

TOWN BOARD

MINUTES

1989

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YOUTH BOARD

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Regular Meeting
January 4, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy and Highway Superintendent Clarence Kreitzbender. Town Attorney Michael Perley was absent.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Special Meeting of December 30, 1988 be approved.

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Town Clerk's Monthly Report be accepted.

five (5) ayes Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #1, January 4, 1989, in the amount of \$21,187.70 be paid.

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #1, January 4, 1989, in the amount of \$3,778.23 be paid.

five (5) ayes Carried

Received notification from the New York State Board of Equalization and Assessment that the final state equalization rate for the Town of Boston for the 1988 Assessment Roll is 108.96.

Received and filed acknowledgement from New York State Department of State that they have filed Local Law No. 4 of the Year 1988 from the Town of Boston.

Received and filed from the Boston Fire Company, Inc. their active roster for the Year 1988-89.

Received a letter from the New York State Department of Transportation stating they have completed the study requested by the town for a lower speed on Abbott Road and have determined that a 45 mph speed limit between the Orchard Park/Boston town line and Boston State Road, a distance of 1.1± miles, will be established. Supervisor Kennedy said he is pleased that the state has lowered the speed limit on this section of Abbott Road and that the proper signs will be installed by Erie County expediently.

Received a letter from Niagara Frontier Transportation Authority, stating they will continue the present service to the town on their Bus Route #37 at this time. They also sent a letter and report relative to their service reduction plan, which will be implemented if they do not receive funding. Supervisor Kennedy said he recognizes the need for the Transit Authority's funding, however, he also feels that their expenditures should be monitored more closely. He added that he is pleased that Boston bus service will continue.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint James Jehle as Historian, term to expire December 31, 1989.

five (5) ayes Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to appoint Eugene Ruchalski as Highway Department Crew Chief, term to expire December 31, 1989.

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to appoint Doris Follman as Cleaner PT, term to expire December 31, 1989.

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to appoint Charles Germain as Bingo Inspector, term to expire December 31, 1989.

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Lucille Genzel as Secretary to Boards and Committees, term to expire December 31, 1989.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to appoint Nussbaumer & Clarke as Town Engineer, term to expire December 31, 1989.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to appoint Dennis Kramer as Code Enforcement Officer, term to expire December 31, 1989.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to appoint Clayton G. Schunk as Deputy Code Enforcement Officer, term to expire December 31, 1989.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint Remy C. Orffeo as Recreation Director PT, term to expire December 31, 1989.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint Robert Steiner as Dog Control Officer and Constable, term to expire December 31, 1989.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint Marjorie Steiner as Deputy Dog Control Officer, term to expire December 31, 1989.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to appoint Claude Fagnan as Deputy Dog Control Officer and Constable, term to expire December 31, 1989.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to appoint Ruth Garrison as Senior Citizens Group Leader, term to expire December 31, 1989.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint the following as Fire Police, terms to expire December 31, 1989:

Boston:

LeRoy Pfarner
David Emerling
Thomas Stanley
Robert Weber
Raymond Worth

North Boston:

Randy R. Seufert
Robert Karcher
Paul W. Duffett
Joseph H. Gern

Patchin:

Norman Gagne
Bernard Liebler
Duane Brock

five (5) ayes

Carried

Supervisor Kennedy appointed the following as Town Board Liaisons for 1989:

Councilman Wittmeyer: Fire Companies, Codification,
Traffic Safety

Councilman Wohlhueter: Conservation Advisory Council, Parks
and Recreation, Drainage, Youth Service,
Southtowns Solid Waste Management Board

Councilman Zimmerman: Emergency Squad, Chamber of Commerce

Councilman Lisowski: Senior Citizens, Planning Board,
Community Development

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to designate Chase Lincoln First Bank, North Boston branch, for the Supervisor, Town Clerk, Town Justice and Tax Collector accounts.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to set the Town Board meeting dates and times, as follows: First and third Wednesday of each month at 7:30 P.M. Work Sessions - Monday prior to the first Wednesday at 7:00 P.M. and, if this is a holiday, the session will be held on the following day at 7:00 P.M., and on the third Wednesday at 6:15 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to not designate an official newspaper for the town, in order to allow the Town Clerk to use the flexibility of different deadlines of the Hamburg "Sun", Orchard Park "Suburban Press" and Springville "Journal" and also to use the appropriate newspaper for different areas in the town.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to approve salaries for 1989, as follows:

Supervisor	Richard L. Kennedy	18,300.00
Deputy Supervisor	Milton I. Wittmeyer	760.00
Councilman	Milton I. Wittmeyer	5,000.00
Councilman	David G. Zimmerman	5,000.00
Councilman	Don A. Wohlhueter	5,000.00
Councilman	Frank H. Lisowski, Jr.	5,000.00
Town Justice	Robert W. Tills	15,000.00
Clerk to Town Justice	Joyce Thurber	13,000.00
Town Clerk	Joyce Carr	24,700.00
Deputy Town Clerk	Lucille Genzel	6.65 per hour
Deputy Town Clerk PT	Wendy Kummer	4.85 per hour
Supt. of Highways	Clarence Kreitzbender	29,225.00
Assessor	William H. Kleis, Jr.	18,450.00
Town Attorney	Michael F. Perley	15,000.00
Deputy Town Attorney	Joseph G. Terrizzi	7,000.00
Bookkeeper to Supervisor and Assessment Clerk	Jean Kleis	16,000.00
Dog Control Officer PT	Robert E. Steiner	3,550.00
Dep. Dog Control Officer PT	Claude P. Fagnan	3,550.00
Code Enforcement Officer PT	Dennis J. Kramer	7,000.00
Asst. Code Enft. Officer PT	Clayton G. Schunk	3,550.00
Recreation Director PT	Remy C. Orffeo	5,000.00
Constable PT (Court Officer)	Gregory L. Stromecki	2,125.00
Cleaner PT	Doris Follman	5.65 per hour
Election Inspectors:	Registration	36.00 per day
	Primary	68.00 per day
	Chairman	10.00 per day
	Election Day	68.00 per day
	School	15.00
Highway Department:		
Working Crew Chief	Eugene Ruchalski	10.81 per hour
MEO	Rola, Wells, Hine, Kreitzbender, Pfarner	10.19 per hour
Laborer	Wierzbic (3.80 - 6.25 per hr.)	6.25 per hour
MEO	Krencik	7.25 per hour
MEO	New Employees	6.50 - 10.19 per hour
Laborers PT	Part Time Employees	5.46 - 5.75 per hour

Contractual:

Deputy Dog Cont. Off. PT	Marjorie F. Steiner	425.00
Historian	James J. Jehle	450.00

five (5) ayes Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to schedule the payment of salaries, as follows: On a monthly basis, except the Supervisor, Town Clerk, Assessor, Highway Superintendent, Highway Department, Bookkeeper, Clerk to Town Justice, Deputy Town Clerk and Clerk PT, which will be bi-weekly.

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the Supervisor and the Town Clerk to invest surplus monies.

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to authorize the use of a signature stamp by the Supervisor.

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to set the rate paid by the town for mileage at \$.21 per mile.

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule the Annual Audit Meeting for January 18, 1989 at 7:30 P.M.

five (5) ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize the Town Clerk to send notices for collection of Trailer Park annual fees and to contact the owners of the two parks to let them know the annual inspection of the trailer parks is scheduled for Saturday, January 14, 1989 at 10:00 A.M.

five (5) ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to set Petty Cash funds as follows:

Supervisor Kennedy	\$ 30.00
Town Clerk	\$200.00
Town Justice	\$ 25.00

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Councilman Wohlhueter as Delegate to the Association of Towns Meeting in New York City in February, 1989, with Councilman Lisowski appointed as Alternate.

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that an Agreement for the Expenditure of Highway #1 be completed, signed and returned to Erie County Division of Highways.

five (5) ayes Carried

At 8:00 P.M. a Public Hearing was held on Amendments to the Zoning Ordinance of the Town of Boston. Town Clerk Carr read the Legal Notice, which was published in the December 15, 1988 edition of the Hamburg "Sun". Supervisor Kennedy opened the hearing, but there were no questions or comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 8:03 P.M.

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adopt the Amendments to the Zoning Ordinance of the Town of Boston.

five (5) ayes Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to allow the lending of funds from one account to another.

five (5) ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to approve the form and sufficiency of bonds, as follows:

Town Clerk, Town Justice and Highway Department	\$20,000.00
Supervisor	\$30,000.00
Tax Collector	\$80,000.00

five (5) ayes Carried

Supervisor Kennedy said Gregory Gerwitz's building plans are not being submitted this evening, as they are still not in order for the Town Board to take action on them. This item will be placed on the agenda for a Town Board meeting as soon as the Code Enforcement Officer has approved the plans.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to make the following Correction of Abstract #12B - December 30, 1988:

Voucher #1028 - Williamson Law Book Company

From \$32.50 To \$34.16

five (5) ayes Carried

Supervisor Kennedy said he is deferring the appointment of committees until the next Town Board meeting.

Supervisor's Monthly Financial Report was received.

Town Clerk Carr said the next surplus food distribution will be held at the Town Hall on Friday, January 13, 1989.

Town Justice Monthly Financial Report was received.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize Councilman Zimmerman to attend the New York State Supervisors and Legislators Association seminar in Syracuse from January 22-25, 1989, with all appropriate expenses to be paid by the town.

five (5) ayes Carried

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Town Engineer Monthly Report was received.

Received a letter from the Planning Board with notification of their election of officers for 1989, as follows:

Chairman	Herbert H. Klein
Vice Chairman	William Boltz
Secretary	Damian Wiktor

Supervisor Kennedy said the Town Board recently met with three persons from town who have written to express interest in filling a vacancy on the Planning Board - Gail Orffeo, Garry Tank and Harold Dodge. He said the applicants are all well

**PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENTS TO ZONING
ORDINANCE OF THE TOWN
OF BOSTON**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing on the 4th day of January, 1989 at 8:00 P.M., Eastern Standard Time, in the Town Hall of the Town of Boston, 8500 Boston State Road on the following proposed amendment to the Zoning Ordinance of the Town of Boston.

BE IT RESOLVED that the Zoning Ordinance of the Town of Boston be, and the same is hereby amended in Article V, Section 4-A, Subsection C.1. Lot Area - Dwellings, in further Subsection A., by deleting the period after the phrase "15,000 square feet", and adding "for a single family dwelling".

In Article V, Section 4-A, Subsection C.1. in further Subsection B, by deleting the phrase "two or more family dwellings - 10,000 square feet per dwelling unit" and adding in its place instead "20,000 square feet for a two-family dwelling".

And by further amending Article V, Section 4-A, Subsection C.1. by adding a further Subsection C to read as follows: "Three or more family dwellings - 20,000 square feet plus 3,000 square feet for each dwelling unit."

And by further amending the Zoning Ordinance of the Town of Boston in its Table of District Regulations under minimum Lot Area - Dwelling, in the classification Business, B-1, deleting therein the phrase "same as R-2" and adding in its place instead the phrase "same as RRB".

The amendment to this Ordinance shall be effected as provided by law and shall be applicable to all applications or amendments to applications for building permits filed after the effective date of this Ordinance.

Dated: December 9, 1988

Joyce Carr
Town Clerk

12-15

qualified, but no recommendation has yet been made by the Town Board.

Supervisor Kennedy said the state is making reductions in the amount of revenue through state appropriations to the towns, therefore the towns will have to raise property taxes to make up for this lost revenue. He added that the state should consider reductions in their own budgets, particularly in the amount of salary increases they voted for themselves.

At 8:15 P.M. a Public Hearing was held on Town of Boston Amendments to the Zoning Ordinance - Fee Schedule. The Legal Notice was read by the Town Clerk. Supervisor Kennedy opened the hearing. Mr. Kennedy stated that the proposed amendments were recommended by the Planning Board because they felt that fees should be imposed on the users, rather than the taxpayers in general and that the proposed modifications in the fee schedule are justifiable on the basis of the costs incurred by the town in the preparation and legal advertising necessary to process the applications.

Councilman Zimmerman asked for clarification of the renewal charge of special use permits. Supervisor Kennedy said it was for the purpose of covering costs incurred when the special use permit expires and is renewed.

There were no further questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to close the public hearing at 8:19 P.M.

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to adopt the Amendments to the Zoning Ordinance of the Town of Boston - Fee Schedule.

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:21 P.M. in memory of Colleen Brunner, a North Boston resident, who died in a plane crash over Scotland on December 21, 1988.



Joyce Carr
Town Clerk

**PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENTS TO ZONING
ORDINANCE OF THE TOWN
OF BOSTON**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing on the 4th day of January, 1989 at 8:15 P.M. Eastern Standard Time, in the Town Hall of the Town of Boston, 8500 Boston State Road on the following proposed amendments to the Zoning Ordinance of the Town of Boston.

RESOLVED, that Article X Section 8 of the Zoning Ordinance be amended by deleting the term "\$75.00" contained in the second sentence thereof and adding in its place and stead the term "\$125.00" and be it further,

RESOLVED, that Article IX be amended by adding thereto Section 6, to read in its entirety as follows:

APPLICATION FEES: Special Use Permit Applications shall be accompanied by the following fees:

- a. Tourist and Lodging houses, \$125.00
- b. Gasoline Stations and Auto Car Wash Installations, \$125.00
- c. Home or Commercial Radio or Television Transmission facilities, \$125.00
- d. Non-profit, private gun, ski, hunt or swimming club catering exclusively to members and their guests, \$125.00
- e. License for private aircraft landing strip, \$125.00
- f. Permit for dumping of material, \$75.00
- g. Any renewal of a special use permit or licenses previously granted, \$25.00

and be it further,

RESOLVED, that Article X Section 6 be amended by deleting the term "\$75.00" in the first paragraph thereof and adding in its place and stead the term "\$100.00", and be it further,

RESOLVED, that Section F of Local Law Number 1 for the year 1976, codified in Article 101 Section 101-6 of the Town Code of the Town of Boston, be amended as follows: by deleting the phrase "not less than fifty dollars (\$50.00)" in the first sentence thereof and adding in its place and stead the phrase "seventy-five dollars (\$75.00)." And be it further,

RESOLVED, that Section 5 of An Ordinance Licensing and Regulating Dealers in Second Hand, Junk and Auto Parts Activities and Business in Town of Boston, New York, codified in Article 67 Section 67-5, be amended as follows: by deleting the phrase "twenty-five dollars (\$25.00)" in Subsection (a) thereof [Town Code §67-5A] and adding in its place and stead the phrase "two hundred fifty dollars (\$250.00)," and by deleting the phrase "and annual" from said subsection, and, further, by adding the sentence "the fee for such annual renewal application shall be one hundred dollars (\$100.00) payment for which shall accompany the application" at the end of Subsection (c) of said section [Town Code § 67-5C].

Regular Meeting
January 18, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Clarence Kreitzbender.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the Minutes of the Regular Meeting of January 4, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #1A, January 18, 1989, in the amount of \$52,185.50 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #1A, January 18, 1989, in the amount of \$44,827.08 be paid.

five (5) ayes

Carried

Received and filed roster of members from the North Boston Volunteer Fire Company for 1989.

Erma Kern, 6692 Mill Road, asked if the town had been reimbursed from George Schichtel for expenses incurred by the town for engineering services from Tallamy, VanKuren, Gertis & Associates when Mr. Schichtel proposed the construction of an amphitheater on Rice Road near the Route 219 Expressway. Mr. Kennedy told Miss Kern that all outstanding monies owed by the developer to the engineering firm have been paid by the developer to the firm; he added that Miss Kern is welcome to review the documentation of this at the Town Hall.

A check in the amount of \$600.00, for forty mobile homes @ \$15.00 each, was received from Sprague Mobile Homes for their 1989 license fee. Supervisor Kennedy said the Town Board made an inspection of both mobile home courts on January 14, 1989. He will, in conjunction with Code Enforcement Officer Dennis Kramer, draft a letter to Mr. Sprague relative to upgrading the numbering system used for the homes. This will facilitate a quicker response from emergency vehicles. Mr. Kennedy said that no violations were found at the Boston Mobile Home Park. A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to renew the license of the Sprague Mobile Home Park for 1989.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to approve the following appointments and salaries for the 1989 Recreation Staff:

Recreation Supervisors:

Gerald O'Brien	\$2,700/year
Nancy Boltz	\$2,000/year
David Benzinger	\$2,000/year

Youth Center Counselor:

Richard Michaels	\$2,200/year
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Youth Center Aides:

Theresa Hartman	\$ 23.00/session
Ann Schunk	\$ 23.00/session
Roberta Vanderhoff	\$ 21.00/session

All of the appointees are to be paid on a monthly basis, with the exception of Nancy Boltz, who is to be paid in three equal installments in June, July and August.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to correct the salary of Deputy Town Attorney Joseph G. Terrizzi from \$7000.00 to \$7,500.00 for 1989.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant permission to Mrs. Frank Lizak, 6555 Fairlane Drive, to use the Town Park on Saturday, July 15, 1989 for a family reunion, with alcoholic beverages being served.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to grant permission to Dorothy J. Sandy, 5055 Mayer Road, to use the Community Room and the Town Park for a family reunion on Sunday, September 3, 1989 from 10:00 A.M. to 8:00 P.M., and to permit the serving of alcoholic beverages.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to grant permission to the Lions Club to use the Lions Shelter the week of July 24, 1989 for the set-up of their annual Oktoberfest, which will be held on July 28 and 29, 1989, with permission also being granted to serve beer and wine.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to grant permission for the Boston Democratic Club to use the Community Room and Town Park on March 25, 1989 at 1:00 P.M. for their annual Easter Egg Hunt.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to accept the Annual Audit for 1988 of the Town Justice.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to accept the Annual Audit for 1988 of the Town Clerk.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to set the salary for Bingo Inspector at \$16.50 per inspection and the salary of Senior Citizen Leader at \$38.00 per month.

five (5) ayes

Carried

Supervisor Kennedy appointed the following committees for 1989:

Traffic Safety Committee: Milton Wittmeyer, Clarence Kreitzbender, James Carr, Alan Carpenter, Frank Lisowski, William Hubert

Insurance Committee: William Hubert, Richard Kennedy, Milton Wittmeyer, Joyce Carr, Don Wohlhueter, Michael Perley, Don Meyer, Frank Lisowski

Capital Improvement

Committee: Jean Kleis, Richard Kennedy, David Zimmerman, Clarence Kreitzbender, Herbert Klein, Milton Wittmeyer, Charles R. Pettit, Gerald O'Brien, Michael Perley, Dennis Kramer

Codification Committee: Richard Kennedy, Herbert Klein, Michael Perley, William Kleis, Dennis Kramer, Charles R. Pettit, Milton Wittmeyer, Joyce Carr, David Zimmerman, Remy Orffeo

Senior Citizens Council: Joseph Mertzluft, John Walters, Michael Czechowski, Dorothy Overhoff, Irving Overhoff, Ruth Garrison, Harold Rockwood, Mary Yoder, Jack Seufert, Dolores Seufert

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve attendance at the Association of Towns meeting in New York City from February 19-22, 1989 and the advance payment of \$200.00 each to Councilman Don A. Wohlhueter, Councilman Frank H. Lisowski, Planning Board Chairman Herbert H. Klein and Deputy Town Attorney Joseph G. Terrizzi.

five (5) ayes

Carried

Received a check in the amount of \$6,519.17 from Adelfia Cable Communications for International Cablevision, Inc., as payment of franchise fees for the period from April 1 through September 30, 1988. Supervisor Kennedy noted that this payment, which is based on gross revenues at 3%, is an increase of approximately \$1000.00 from the last payment.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to appoint Kenneth Golabek as Laborer PT at \$5.25 per hour.

five (5) ayes

Carried

Received an application for annual blanket permit covering excavation work in the town's public places and rights-of-way for 1989 from National Fuel Gas Corporation. Supervisor Kennedy said this permit covers the normal excavations performed by National Fuel, and do not apply during time of an emergency situation, when a permit would not be necessary. Town Attorney Perley will draft a new application, which will update the one currently in use by the town.

Received a letter from Erie County Department of Environment and Planning relative to the Eden-Boston Agricultural District and the review process of the district. Supervisor Kennedy directed Councilman Lisowski to contact the operators of farms in this area of the town to see if they would be interested in serving as a member of the review board for this agricultural district.

Received an Addendum to the December Monthly Report of the Supervisor.

Supervisor Kennedy said he has been contacted by Nancy Hoyt, a former resident of Boston, relative to her wish to plant a tree at the town park in memory of Colleen Brunner, who died in an air crash over Scotland in December, 1988. Mr. Kennedy said Schichtel's Nursery will donate the tree and a commemorative plaque will be placed on it by the Hoyts. The Supervisor said he will contact Roger Schneckenburger, Landscape Architect, to determine the best location for this tree and will then make arrangements with Mrs. Hoyt for the planting of it.

Supervisor Kennedy directed Councilman Lisowski to review the request of Chester Rosinski, 6764 Liebler Road, for an additional street light in the vicinity of his home.

Supervisor Kennedy said an easement has been signed with Edward Carey, granting permission for overhead electric lines to the new highway garage to cross his property.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant permission to the Boston Fire Company, Inc. to solicit donations from residents of the town that reside in the Boston fire protection district; said donations are to be applied to the purchase of a new pumper and permission is granted for 1989 only.

five (5) ayes

Carried

Supervisor Kennedy referred to Town Attorney Perley the matter of the name of that portion of road between Redwing and Rollin Drive. According to county records, this section is unnamed, although it is commonly referred to as North Greenbriar Terrace. Mr. Perley will research the records and a determination will be made on a name.

Councilman Wohlhueter said calls have been received relative to the collection of Christmas trees by Joe Ball Sanitation. The contract between the town and Joe Ball does not include tree pickup and Mr. Wohlhueter suggests that the callers be told they can either burn the tree, cut it up and bag it for collection, keep it for the town brush pick up that begins in April, or residents can bring their trees to the area that the Highway Department uses to dispose of brush, which is near the new highway building. Supervisor Kennedy said the disposal of Christmas trees is a matter that should be considered by the Town Board prior to next year.

At 8:00 P.M. a Public Hearing was held on an Amendment to the Zoning Ordinance and Zoning Map of the Town of Boston, on the request of the League for the Handicapped, Inc. to rezone a portion of their property at 9441 Boston State Road from Residence R-2 to Residence Restricted Business RRB. The Public Notice was read by the Town Clerk. Mrs. Carr also noted that the Erie County Division of Planning made no recommendation on the Zoning Referral sent them, but did ask for support of this rezoning. She also read a letter from the Planning Board, in which they listed the reasons they recommend denial of the application and a letter from Philip D. Feraldi, Supervisor, Town of Sardinia, who asked the Town Board

to support this rezoning request. Supervisor Kennedy then opened the hearing.

Karen M. Diemunsch, Executive Director of the Southtowns Rural Preservation Co., Inc., who have an option to purchase the property from the League for the Handicapped, Inc., distributed data to those present which explained the makeup and establishment of the SRPC. She also displayed large drawings of the building on the property and a large scale survey. Ms. Diemunsch replied to the four points of the Planning Board letter by stating (1) the conversion of this building into apartments and office space would not be a single deviation from the character of the neighborhood, as there are five two-family structures on Sunset Lane; (2) the main purpose of the SRPC is to stimulate interest in and reinvestment in the community, therefore, it is not in conflict with the 2010 Master Plan; (3) at the time the Planning Board considered this application, they had no plans for the rest of the property, but at this time they have received permission to sell the remainder of the property, and neighbors will be given first consideration; and (4) the future viability of the SRPC is not relevant, because if the property would become defunct it would be owned by the New York State

Division of Housing and Community Renewal. Ms. Diemunsch said she sent a letter to neighboring property owners and the Town Board and asked them to an informal meeting at the building on January 12 in order to review the renovations plans. Supervisor Kennedy said that he and some of the other Town Board members did not receive the letter in time to attend.

Lynette Benzinger, 7084 Boston Cross Road, said there are many widows in the area and they are concerned with what type tenants will live in the apartments. She also said there are drainage concerns in that area and asked if the town would consider purchasing the property for a park. She said that she was told by Karen Diemunsch last spring that new homes would be built on the vacant land behind the building, which would be low-income, affordable housing, that would be bought with the aid of SunnyMae loans and she wondered what would stop them from doing this if the property is rezoned. She said she is against low income housing, as this is a beautiful town and there is no guarantee of what type people will live there.

Donna Kozlowski, 7024 Boston Cross Road, said she very recently purchased her home and does not fully understand what is being requested in the way of rezoning. She also said she would like the opportunity to purchase the property behind her house. Ms. Diemunsch said adjacent property owners would be given first consideration in purchasing property, however, it could not be done on a piecemeal basis, or they would be left with small pockets of landlocked property, in other words, it would have to be with the cooperation of all homeowners.

Councilman Wohlhueter asked what the regulations would be on the rentals of the apartments. Ms. Diemunsch said that the income for one person could not exceed \$17,650.00 or two persons, \$20,150.00 and that preference would be given Town of Boston residents.

James Jehle, 9432 Boston State Road, read a press release of the SRPC from a meeting last spring, in which Karen Diemunsch was quoted as saying the 12 acres

**PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENT TO THE ZONING
ORDINANCE AND ZONING MAP
OF THE TOWN OF BOSTON
NOTICE IS HEREBY GIVEN**

that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing on the 18th day of January, 1989 at 8:00 P.M. Eastern Standard Time at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the petition and request of the League for the Handicapped, Inc. to rezone the following described property, which is presently zoned Residence R-2, to Residence Restricted Business RRB under the Zoning Ordinance of the Town of Boston, said property being described as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 2, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Route 219, formerly known as the Hamburg-Springville Road, at the southwest corner of lands conveyed to John Murray by deed recorded in Erie County Clerk's Office in liber 267 of Deeds at page 587, which corner is about four hundred fifty-three (453) feet northwest from the northwest corner of land conveyed to School District Number 1 of the Town of Boston by Peter Zimmerman and recorded in said Clerk's Office in liber 2037 of Deeds at page 606; thence north 37° 21' east, two hundred fifty-four and one tenth (254.1) feet to Murray's southeast corner; thence north 49° 9' west, sixty-six (66) feet to a point in the southeast line of lands conveyed to Porter Glazier by deed recorded in said Clerk's Office in liber 60 of Deeds at page 423; thence north 37° 21' east and along the southeast line of said Glazier's lands by aforesaid deed and continuing along the southeast line of lands conveyed to said

Glazier by deed recorded in said Clerk's Office in liber 220 of Deeds at page 179, two hundred fifty-five and twenty-five hundredths (255.25) feet to a point in the south line of lands conveyed to Lewis E. Davis by deed recorded in said Clerk's Office in liber 415 of Deeds at page 82; thence south 89° 38' east on Davis' line, twelve and fifty-four hundredths (12.54) feet; thence southeasterly and parallel to the center line of the Hamburg-Springville Road 360.0±' more or less to the southeasterly boundary of said property conveyed to the League for the Handicapped of Springville, Inc. by deed recorded in Erie County Clerk's Office in liber 9148 of Deeds at page 669, said point being 355.0±' distant along said boundary from the southeast corner of lands conveyed to Wayne W. Stearns and wife by deed recorded in Erie County Clerk's Office in liber 5132 of Deeds at page 540 and also distant 522.0 feet measured at right angles from the center line of the Hamburg-Springville Road; thence south 52° 20' west, 355.0±' to the southeast corner of lands conveyed to Wayne W. Stearns and wife by deed recorded in said Clerk's Office in liber 5132 of Deeds at page 540; thence northwesterly along the northeast line of said Stearn's lands, one hundred thirty-one and seven tenths (131.7) feet to the northeast corner of Stearn's lands; thence southwesterly along the northwest line of said Stearn's lands, one hundred seventy-three and sixty-six hundredths (173.66) feet to a point in the center line of said Route 219; thence northwesterly along the center line of said Route 219, seventy-eight and twenty-eight hundredths (78.28) feet to the point or place of beginning.

Excluding therefrom that portion of the above-described property located within 300.0 feet, measured at right angles from the center line of the Hamburg-Springville Road.

Dated: December 27, 1988

Joyce Carr
Town Clerk
Town of Boston

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would be developed and he wanted to know when this changed. Ms. Diemunsch said that the development is no longer considered an option by Albany, due to the configuration of the property and the possible drainage concerns, and they have given permission that the land can be sold.

Hugh Brown, 9433 Boston State Road, asked if another apartment building could be constructed if this property is rezoned. Karen Diemunsch said they are only requesting rezoning to the back line of the building. She said there is about 150 feet from the building to the north line, however, there would not be enough frontage to build another building.

Mary Ann Jehle, 9432 Boston State Road, said the two-family homes on Sunset Lane are not low income housing; also she thinks the area is too isolated for senior citizens to live. She added that a pre-school in this location would be ideal.

Mr. Brown said there are many young people with children in the area and he thinks it should be a playground. Esther Faulring, 7009 Boston Cross Road, agreed with Mr. Brown.

Carl Roehling, 6998 Boston Cross Road, said he thinks the SRPC has some other intent for the use of the building, as three apartment units will not be able to support the cost of the property. Karen Diemunsch said the state is providing funding to renovate the building, and the rents they will charge are at the maximum level, as limited by the state.

James Tighe, 9437 Boston State Road, asked what would be required if the SRPC decided to build another building. Supervisor Kennedy said a building permit would be required and they would have to seek a variance, as they would not have enough frontage on a dedicated highway.

Grant McClellan, 5215 Mayer Road, said the VFW Post wanted to purchase this building and property and ^{had} an option, which they thought was viable, on the property at the time the SRPC made a purchase offer. He said they have \$10,000 thus far toward the property and they would use it as a clubroom and for community enterprises. They would also use the vacant land as a playground and for softball diamonds.

Dale Manchester, Attorney for the League for the Handicapped, Inc., said the SRPC has a contract to purchase the property and it will expire on March 31, 1989. The League sought the sale of the property in order to create funds, since they no longer use it. The Vice President of the League was present and said they have received calls from property owners in the vicinity who are interested in purchasing a portion of the vacant land. David Benzinger asked what would happen if the property is not rezoned by March 31. Mr. Manchester said the contract could be extended. The representative of the League said this property is considered by them to be a "white elephant" and they have been trying to sell it since mid-1986. He added that the League could consider selling the SRPC only the building and not the rest of the vacant land, however, at this time they have a contract with the SRPC for the entire parcel.

Supervisor Kennedy said that a request for rezoning of the property would be required prior to any other prospective purchaser to use the building. A public hearing would also be required as part of the rezoning request.

Councilman Lisowski asked if Ms. Diemunsch planned on contacting adjacent property owners by mail to schedule a meeting for prospective purchasers of the vacant property. Karen said she could arrange this.

Councilman Zimmerman said he serves on the Board of Directors of the SRPC, therefore he has not been participating in the hearing, however, he said the SRPC is interested in new members for the Board and would like those present to consider the possibility of serving in that capacity.

Councilman Wittmeyer said he agrees that a playground is needed in this area of town. Councilman Lisowski asked if there was a possibility the town could acquire the property for this purpose. Ms. Diemunsch said the equipment for a playground is still on the property.

Dean Watkins, 8871 Back Creek Road, asked why the downstairs door was not unlocked for this meeting, as he had to walk up the bank to the front of the building and he fell down. He added he was then leaving the meeting as he had to go to the hospital because he suffered injury in the fall.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 8:56 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to reserve decision on the request of the League for the Handicapped, Inc. to rezone a portion of their property at 9441 Boston State Road from Residence R-2 to Residence Restricted Business RRB until the February 1, 1989 Town Board meeting.

five (5) ayes

Carried

Code Enforcement Officer's Annual Report was received.

A letter was received from the Planning Board, with notification of change in the January meeting; new date for the meeting will be Monday, January 23, 1989 at 7:30 P.M. in the downstairs Conference Room.

Received notification from the Zoning Board of Appeals that the following have been reelected as officers for 1989:

Chairman	Remy Orffeo
Vice Chairman	Randy Burgwardt
Secretary	Joseph Santonocito

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to adjourn at 9:00 P.M. in memory of Herbert Boltz, former Town Councilman, Assessor and Bingo Inspector, who passed away last week.



Joyce Carr
Town Clerk

Regular Meeting
February 1, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Clarence Kreitzbender.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Minutes of the Regular Meeting of January 18, 1989 be approved.

five (5) ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski that the Town Clerk's Monthly Report be accepted.

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve the General Fund and Special District Bills on Abstract #2, February 1, 1989, with the addition of Voucher #90 - Hawkins, Delafield and Wood - in the amount of \$1,750.00, for a total Abstract of \$176,656.42.

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to approve the Highway Bills on Abstract #2, February 1, 1989, in the amount of \$7,521.35.

five (5) ayes Carried

A letter was read from Arthur F. Reiter, 7937 Burr Road, in which he strongly protests the mandatory townwide refuse and garbage weekly pickup and tax levy. Supervisor Kennedy said he sympathizes with Mr. Reiter, however, it was in the best interests of the majority of the townspeople to enact a Refuse and Garbage District, as it resulted in a considerable savings by being part of the tax structure. He added that any action imposed for the majority does affect some adversely and apparently this is the case with Mr. Reiter.

Received notification from Erie County Division of Highways that the load limit posting for the Trevett Road bridge has been lowered from 15 tons to 12 tons due to a recent inspection; repair work has commenced, and it is likely that the bridge will have a higher posting once it is completed.

Nancy Leone, 6359 Patchin Road, asked that the speed limit of 40 mph on Patchin Road be enforced, due to the fact that speeding and accidents have occurred. Supervisor Kennedy said the State Police will be informed of this request, and that an Erie County Sheriff's representative is present at this meeting who will also note this complaint.

A resolution was received from the Erie County Legislature, relative to the Eden-Boston Agricultural District. Councilman Lisowski said he contacted Richard May, Jr., 8075 Feddick Road, and Joseph Telaak, 7646 Feddick Road, relative to their interest in serving on the district board and both have expressed interest. Town Clerk Carr was directed to correspond with both Mr. Telaak and Mr. May as to their willingness to serve, with a copy of the letter being forwarded to Chet C. Jandzinski at the Department of Environment and Planning and Supervisor Gale Denn of Eden.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to make the following correction of Highway Abstract #1A, January 18, 1989:

Voucher #20 Nuttall Equipment	\$	94.46
Delete - included in Voucher #26		

Voucher #28 Northern Supply		
Change from \$1128.00 to	\$	1228.00

Total Abstract - From \$44,827.08 to \$44,832.62

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski

to grant permission to the Boston Youth Baseball Association to use the town park, baseball diamonds and Lions Shelter on Saturday, August 5, 1989 from 8:00 A.M. to dusk for their annual baseball all star games and family picnic.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant permission to the Patchin Volunteer Fire Company to use the town park and Lions Shelter on Sunday, July 30, 1989 for their annual 25 Week Club party, with permission to serve beer.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to grant permission to the Boston Softball League to use the town park, baseball diamonds and Lions Shelter on Saturday, July 22, 1989 for their annual all star game and picnic.

five (5) ayes

Carried

A letter was read from Karen M. Diemunsch, Executive Director, Southtowns Rural Preservation Co., Inc., stating that they have no interest in developing the additional acreage behind the old Boston school building and outlining the options they have developed in connection with the property's potential use. Also included with the letter was a list of residents on Boston Cross Road that have expressed interest in purchasing parcels of land from the SRPC. Supervisor Kennedy asked if the SRPC would be willing to pass a resolution at their next meeting, stating they are willing to sell the acreage to the interested homeowners, with a negotiated price and a time limit for the property owners to decide; if the adjacent property owners do not decide to purchase the land, the town is willing to purchase the property for a future park. Supervisor Kennedy said the Town Attorney has drafted a resolution to this effect for Ms. Diemunsch to examine. Supervisor Kennedy said that the final determination of the rezoning request will be deferred until the next Town Board meeting on February 15, so that the SRPC will have time to review the resolution.

Received a completed SEQR form from the Town of Colden, relative to Seneca Brook Open Development Area on the corner of South Hill Road and Boston Colden Road. In compliance with SEQR regulations, this form will be on file in the Town Clerk's Office for review and any comments received will be forwarded to the appropriate agency.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to approve the signed Blanket Excavation Permit submitted by National Fuel for all excavation work in the town's public places and rights-of-way for 1989.

five (5) ayes

Carried

A letter was received from John P. Falkides, owner of Boston Hills Mobile Home Park, enclosing a completed application and check in the amount of \$1125.00, for 75 units @ \$15.00 per unit, for the 1989 license fee. Mr. Falkides said he is paying this fee under protest, as he feels that the fee is discriminatory against mobile home parks. Supervisor Kennedy advised that Town Attorney Perley had replied to these charges previously in answer to a letter from Mr. Falkides. A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to renew the license of the Boston Hills Mobile Home Park for 1989.

five (5) ayes

Carried

Received a letter from Edward Kane, 7118 Boston Cross Road, together with a petition signed by 48 residents of Boston Cross Road, asking for increased patrols on their road, due to the speed limit of 35 mph being regularly exceeded. Supervisor Kennedy noted a representative from the Sheriff's Department was in attendance at the meeting and directed Town Clerk Carr to bring this matter to the attention of the State Police also.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to refer to the Planning Board for their review and recommendation prior to the Town Board meeting on March 1, 1989 the application of Rucker Lumber, Inc. to extend a warehouse on their property at 9184 Boston State Road.

RESOLUTION - FIRE HYDRANT - OMPHALIUS ROAD

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the Supervisor to sign an agreement with the Reassessment Consortium of Erie County Governments, after a review of the agreement has been made and approved by Town Attorney Perley.

five (5) ayes

Carried

RESOLUTION - GREENBRIAR TERRACE and NORTH GREENBRIAR TERRACE

Received a lengthy letter from the Niagara Frontier Transportation Authority relative to their ongoing search for a dedicated source of funding. The letter will be on file in the Town Clerk's Office.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to refer to the Planning Board for review and recommendation the application of Paul Chirico to construct a greenhouse at 8692 Boston State Road on the property of Keen's Market.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Town Justice Monthly Financial Report was received.

Highway Superintendent Kreitzbender said that his department patrolled the roads in town last week and picked up Christmas trees that had been placed by the roadsides by residents who thought they would be collected with trash.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Office Monthly Report was received.

Town Engineer's Monthly Report was received.

Supervisor Kennedy said the Town Board interviewed three candidates for a vacancy on the Planning Board and all three had excellent qualifications, however, due to his experience on both a county and local level as a former member of the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to appoint Harold Dodge to the Planning Board, term to expire February 1, 1990; with the other two candidates being further considered when there is another vacancy on the board.

five (5) ayes

Carried

The Annual Report of the Planning Board was received.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint Paul Barone, 7277 Woodland Drive, to the Youth Service Advisory Board, term to expire December 31, 1989.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to adjourn at 8:12 P.M.



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 1st day of February, 1989 at 7:30 P. M. Eastern Standard Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

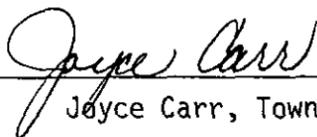
BE IT RESOLVED that the Town of Boston purchase and install a fire hydrant located in the position shown on plans prepared by Nussbaumer & Clarke, Inc. under date of February, 1989 entitled "Omphalius Road Water Line Extension Water District #1" and having drawing number 89-100/13-1 and be it

FURTHER RESOLVED that the expense for said purchase and installation and all future rentals, charges and expenses including but not limited to maintenance, repair and/or replacement be charged to the Town of Boston Fire District.

Seconded by Supervisor Kennedy and put to a vote which resulted as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5 NOES: 0 ABSENT: 0



Joyce Carr, Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 1st day of February, 1989 at 7:30 P. M. Eastern Standard Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Councilman Lisowski presented the following resolution and moved its adoption:

A Resolution enacted pursuant to Section 64(9) of the Town Law of the State of New York.

BE IT RESOLVED by the Town Board of the Town of Boston that the Town highway, situated on the easterly terminous of Holiday Drive and Pinehurst Drive, in the Holiday Village Subdivision, in the Town of Boston, filed in the Erie County Clerk's Office under Map Cover 1933, which said road is bounded on the south by Pinehurst Drive and the north by Holiday Drive, be named and designated North Greenbriar Terrace, said road having formerly been designated Hillside Drive in said Subdivision Map; and

BE IT FURTHER RESOLVED, that the Town Road designated as Rollin Road in a deed filed in the Erie County Clerk's Office in Liber 6249 of Deeds at page 625, running in a northerly direction from the easterly boundary of Rollin Road to Hillcroft Road, and being bounded by Rollin Road in the south and Hillcroft Road in the north, be designated Greenbriar Terrace; and

BE IT FURTHER RESOLVED, that the unnamed Town road situated in the subdivision filed in the Erie County Clerk's Office under Map Cover 2046 for the Town of Boston, said land being bounded on the south by Hillcroft Drive and on the north by Redwing Drive, said unnamed road being located at the easterly terminous of Redwing Drive, be named Greenbriar Terrace; and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Boston shall file copies of this Resolution with the County Clerk of the County of Erie, the County Engineer of the County of Erie and the Post Office Department of the United States within ten (10) days hereof.

BE IT FURTHER RESOLVED, that the Highway Superintendent of the Town of Boston is hereby authorized to purchase and install street signs in accordance with this Resolution.

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

Supervisor Kennedy	Voting	aye
Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Wohlhueter	Voting	aye
Councilman Lisowski	Voting	aye

AYES: 5 NOES: 0 ABSENT: 0


Joyce Carr, Town Clerk

Regular Meeting
February 15, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Clarence Kreitzbender.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the Minutes of the Regular Meeting of February 1, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #2A, February 1, 1989, in the amount of \$40,199.76 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #2A, February 1, 1989, in the amount of \$9,128.72 be paid.

five (5) ayes

Carried

A letter was read from the New York State Department of Transportation, stating that the completed work on the Commuter Parking Lot was accepted by them on January 24, 1989. A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to acknowledge receipt of this letter and accept the maintenance responsibilities therein in accordance with the agreement made when the Commuter Lot was constructed.

five (5) ayes

Carried

A letter was received from Patricia A. Brunner, expressing appreciation to the Town Board for honoring her daughter Colleen by adjourning the January 4, 1989 Town Board Meeting in her memory.

RESOLUTION - ROSWELL PARK MEMORIAL INSTITUTE FUNDING

Received notification from Erie County Division of Highways that the fifteen ton load limit posting for the Mill Street Bridge has been removed, due to a recent load rating analysis.

Councilman Wittmeyer directed Town Clerk Carr to correspond with the Division of Highways relative to a permit for emergency vehicles to cross the Patchin Road bridge, as a follow up to a request made some time ago when the load limit of this bridge was decreased.

A letter was read from John P. Falkides, owner of the Boston Hills Mobile Home Park relative to the annual permit and annual license fee for mobile home parks. Supervisor Kennedy noted that this subject has been discussed several times with Mr. Falkides and if he still feels it is an obsolete portion of town law, he should contact his state legislator relative to rescinding this section of the law.

Robert R. Pryor, 6075 Butternut Road, said he has been having problems having his garbage picked up, as Joe Ball Sanitation says his road is impassable at times. Councilman Wohlhueter said he will contact Joe Ball Sanitation on February 16 and Town Attorney Perley will contact them on February 17 relative to this problem and a few others with similar road conditions. Supervisor Kennedy told Mr. Pryor that some additional road work is planned for the spring on Butternut Road.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to designate Evans National Bank, NA, as depository for the Supervisor, Town Clerk, Tax Collector and Town Justice, effective February 27, 1989.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to make the following Transfer of Funds:

Transfer \$2,284.05 - remaining funds in Sewer District #1 to the Highway Fund, thereby closing out the Sewer District #1 Account.

These funds are to be used to pave Valley
Circle Lane.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to direct Town Clerk Carr to publish a notice for a public hearing to be held on March 15, 1989 at 7:45 P.M. on a proposed Amendment to Local Law #2 - 1987 relative to Floodplain Regulations.

five (5) ayes

Carried

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

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to make the following Correction of Abstract #2 - February 1, 1989:

Voucher #59
Herman Office Furniture
From 1620.4 Contractural to 1620.2 Equipment

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to make the following Correction of Abstract #2 - February 1, 1989:

Voucher #85
Southtowns Solid Waste Management Board Dues - 1988
From 8020.4 Planning to 8710.4 Conservation

five (5) ayes

Carried

Received and filed notification from Erie County that a TE 9 form has been sent to the New York State Department of Transportation relative to the town's request for a lower maximum speed on Heinrich Road and Valley Circle Lane.

A letter relative to the rezoning request of the League for the Handicapped was read from Town Attorney Perley, stating that after review of the rezoning protest filed, he has determined that it is a valid protest and accordingly, an affirmative vote of four members of the Town Board is required to pass this rezoning measure. A resolution was received from Karen M. Diemunsch, Executive Director of the SRPC, outlining their intentions to sell the vacant property to the north and east of the structure for a total sum of \$8000.00 to adjacent landowners. If said property sales cannot be concluded on or before May 1, 1989, the entire parcel shall be offered to the Town of Boston for \$8000.00. Town Attorney Perley read a resolution he drafted relative to the rezoning request. Mary Ann Jehle, 9432 Boston State Road, asked a question relative to the rezoning and Attorney Perley said that the rezoning is for the specific project proposed by the SRPC only.

RESOLUTION - REZONING OF SOUTHTOWNS RURAL PRESERVATION CO., INC.

Referred to the Town Attorney for review an easement request by National Fuel relative to lands owned by the Town of Boston adjacent to Meadow Drive for placement of a pipeline.

RESOLUTION - RECORDS RETENTION & DISPOSITION SCHEDULE MU-1

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to approve Change Order #1 of the Boston Highway Garage construction relative to additional stone and slag fill, at a cost of \$18,221.00, as recommended by KAI/Russell Associates,

five (5) ayes

Carried

Referred to the Town Attorney for review the letter of Dennis F. and Candace D. Lesinski relative to a proposed 50 foot cul-de-sac at the end of George Drive, prior to drawing an agreement between the town and the Lesinskis on this matter.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant approval to Supervisor Kennedy to go to Albany on February 28, 1989 with other Erie County supervisors in order to lobby on behalf of the state

budget, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Upon the request of Highway Superintendent Kreitzbender, a motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to authorize the Town Clerk to publish for bids on a 1989 heavy duty diesel-powered dump truck, with a separate bid for the body and hoist, and also to publish for bids to sell a 1974 GMC dump truck, either as a trade-in or as an outright sale; said bids to be opened March 9, 1989 at 10:00 A.M. in the Supervisor's office, with bid to be awarded at the March 15, 1989 Town Board meeting.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to authorize Town Attorney Perley to draft the necessary documents that would extend Water District #1 to include the Alois Kopczynski property at 6415 Omphalius Road and also the property known as Woodlee Court.

five (5) ayes

Carried

Councilman Zimmerman said the President of the Southtowns Rural Preservation Company asked him to express his gratitude to the Town Board in resolving the various aspects of their rezoning request.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to reappoint Damian Wiktor as a member of the Planning Board, term to expire February 1, 1996.

five (5) ayes

Carried

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



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of February, 1989 at 7:30 P.M. Eastern Standard Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, Roswell Park Memorial Institute is a world renowned cancer research and treatment facility, and an integral part of the health care system in the Western New York community, be it therefore

RESOLVED, that the Town of Boston shall go on record as being vehemently opposed to Governor Mario Cuomo's intention to cut funding by the State of New York to this vital facility, which could jeopardize patient care, and would hinder the valuable research carried out at this institution.

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

Supervisor Kennedy	Voting	<u>aye</u>
Councilman Wittmeyer	Voting	<u>aye</u>
Councilman Zimmerman	Voting	<u>aye</u>
Councilman Wohlhueter	Voting	<u>aye</u>
Councilman Lisowski	Voting	<u>aye</u>

AYES: 5 NOES: 0 ABSENT: 0


Joyce Carr, Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of February, 1989 at 7:30 P.M. Eastern Standard Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, the League for the Handicapped, Inc., on behalf of the Southtowns Rural Preservation Co., Inc., has applied to rezone 222 additional feet of property at 9441 Boston State Road from Residence R-2 to Residence Restricted Business (RRB), and,

WHEREAS, the subject property has been improved by a structure originally constructed for use as a school within the Springville-Griffith Institute School District; and

WHEREAS, said structure has not been used as a school within a public school system for an extended period of time; and,

WHEREAS, the structure is no longer suitable for use as a public school; and,

WHEREAS, the applicant has demonstrated a feasible plan for remodeling the existing structure for the purpose of using same as a multiple dwelling, and as an office for SRPC; and,

WHEREAS, the remodeling of the building will not significantly alter the nature and character of the building's appearance; and,

WHEREAS, the structure located on the property is not suitable for any use within a Residence R-2 District; and,

WHEREAS, the SRPC has by resolution agreed to sell all property situated to the east of the subject property and has by said resolution bound itself to convey same with the total price of \$8,000.00,

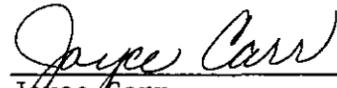
NOW, THEREFORE, BE IT RESOLVED, that the application of the League for the Handicapped, Inc., on behalf of SRPC to rezone an additional 220 feet of property situated at 9441 Boston State Road from Residence R-2 to Residence Restricted Business RRB be in all respects granted; and

BE IT FURTHER RESOLVED, that the granting of this rezoning application be, and the same is hereby limited, to the specific project proposed by SRPC and shall not be construed, nor shall it permit the construction of any additions to the existing structure and/or other additional structures which would be otherwise permitted under existing zoning, without further approval of the Boston Town Board.

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

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>abstain</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 4 ABSTAIN: 1 NOES: 0 ABSENT: 0



Joyce Carr
Town Clerk

Regular Meeting
March 1, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Clarence Kreitzbender.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of February 15, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #3, March 1, 1989, in the amount of \$63,520.29 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Highway Bills on Abstract #3, March 1, 1989, in the amount of \$8,582.11 be paid.

five (5) ayes

Carried

A letter was received from Robert R. Pryor, 6075 Butternut Road, requesting additional road construction to his residence. Supervisor Kennedy said that the Highway Department has plans to stabilize the road with oil and stone this construction season, however, there are no plans to change the level of the grade. He added that he will, together with the Town Clerk, correspond with National Fuel Gas relative to the 8 inch high pressure gas line that is on the north shoulder of the road, as it is necessary to have it rerouted in order to stabilize the road. Councilman Wohlhueter said he is aware that the Pryors have had problems with garbage pickup, due to the fact that the trucks have been unable to drive up this hill in inclement weather. Mr. Pryor said it would be no problem to take the trash to the corner of Back Creek Road in bad weather, as do the other two households on the road.

A letter was received from Barbara Cudeck and Mary Anne Jehle in appreciation to the Town Board for the courtesy and cooperation they extended in resolving the concerns of property owners during the recent rezoning of property at 9441 Boston State Road.

Received notification from CAMC, Inc., Clayton G. Schunk, President, that an application for an On Premises Liquor License has been made for 8326 Boston State Road.

Received a letter from Frank E. Newton, Director of the Erie County Agricultural Society, requesting information on any farms in the town that have been operated continuously over the past 150 years by generations in the same family. Town Clerk Carr will send a copy of this letter to the Town Historian and also will contact owners of farm operations in town to see if they meet the 150 year requirement, which is part of the 150th Anniversary celebration this year of the Erie County Fair and Exposition.

Recreation Director Remy Orffeo said he is concerned about the elimination of state aid in the Governor's proposed 1989-90 budget, which would cost the town \$11,000. He stated that the Governor, in 1986, designated the next ten years as the "Decade of the Child" and the elimination of this funding in his budget is hypocritical to that designation. Supervisor Kennedy said that, although he did not go, several Supervisors in the area lobbied in Albany last week on the Governor's proposed budget, which will have a direct impact on many programs in the localities, if passed. Councilman Lisowski said the 1989-90 budget was also a main concern at the Association of Towns meeting. Recreation Director Orffeo said he plans on having a petition available for signatures, as well as a sample letter to Assemblyman Reynolds, at the softball and baseball sign-ups, which begins this Saturday.

RESOLUTION - YOUTH SERVICE AND RECREATION PROGRAMS

A letter was received and filed from John P. Falkides, relative to the annual charge for mobile home parks. Supervisor Kennedy said the Town Board will meet with Mr. Falkides if he desires to on this matter.

An amended Right-of-Way Agreement from National Fuel was received, relative to a pipeline easement on town park property in North Boston. Town Attorney Perley said he has reviewed the agreement, and with the Town Board's approval, would like to add the stipulation that the property must be restored to its original condition after the pipe is laid. There was no objection from the Board and the easement will be signed with this stipulation.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to direct the Assessor to combine the three town-owned parcels on Creekside into one parcel, thereby taking advantage of a lesser tax on the sewer charge.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to combine two parcels on Meadow Drive with the parcel of the North Boston Athletic Field, also to take advantage of a lesser sewer charge tax.

five (5) ayes

Carried

Upon the request of Good Shepherd Lutheran Church, a motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to grant permission to use the town park for kite flying on Sunday, April 30, 1989, with a rain date of Sunday, May 7, 1989. A Certificate of Insurance will be required from the church.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to appropriate funds in the amount of \$4,500.00 from unallocated insurance for Public Officials Liability to the Risk Retention Fund.

five (5) ayes

Carried

Upon the receipt of a petition from Alois and Adella Kopczynski and a Water District #1 redrawn map from Nussbaumer & Clarke, Inc., a motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to schedule a public hearing on the annexation of 6415 Omphalius Road to Water District #1 for April 5, 1989 at 7:45 P.M.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy said he attended the ribbon cutting ceremony at Evans National Bank on February 27, 1989 and the bank also held a reception on Tuesday evening, February 28, 1989 to commemorate the opening of their branch bank in North Boston. Supervisor Kennedy encouraged the townspeople to examine the services the bank offers and to consider using it, as it is an advantage to have this bank in town.

Supervisor Kennedy said he is meeting on March 2, 1989 with representatives from New York State Department of Transportation and Legislator Karl Henry relative to the Rice Road interchange proposal and will comment on this matter at the next Town Board meeting.

Supervisor Kennedy said he and Councilman Wittmeyer examined the carpet at the State Police Barracks and contacted Valley Floor Covering relative to the replacement of same. He directed Town Clerk Carr to contact the barracks to let them know the area will be measured by the carpet company the second week in March.

Town Clerk Carr said the next food distribution will be held Friday, March 10, 1989 at the Town Hall and that, while there is no cheese to distribute, there are other staple items that will be available.

Town Justice Monthly Financial Report was received.

Councilman Lisowski said he contacted Chester Rosinski, 6764 Liebler Road, relative to his request for an additional street light and noted that there is a longer distance between two lights near the Rosinskis than the other lights on the street. New York State Electric & Gas Corp. will be contacted relative to the feasibility and costs of an additional street light and when this information is received it will be discussed further.

Councilman Lisowski reported that there will be an informational meeting on March 21, 1989 at 7:30 P.M. at the Eden Town Hall on the modification of the Eden-Boston Agriculture District and that area farmers Telaak and May have okayed the proposed changes in the district, which is basically unchanged in the Town of Boston.

Councilman Lisowski reported that he attended some very informative sessions at the Association of Towns meeting held in New York City on February 19-22 and he looks forward to attending future meetings.

Councilman Lisowski said he wished to say "Happy Birthday" to Highway Superintendent Clarence Kreitzbender, who because of the fact that his birthday only comes once every four years - on February 29 - is now 16 1/4 years old!

Councilman Wohlhueter reported also on the Association of Towns meeting, which he, Councilman Lisowski and Deputy Town Attorney Joseph Terrizzi attended. He said the session on solid waste, which encompassed areas of recycling, compacting and landfills was very informative. He said the 1990 census was the topic of another session, and it was stressed how important the results will be to New York State. He also said he had a meeting at BFI - Joe Ball Sanitation - this date and found it very interesting to see how the office operation and dispatching system works. As a possible solution to property owners who do not wish to put their garbage out the night before their scheduled pickup, he was told that BFI recommends that a small amount of household bleach be placed in each bag or container, which will keep dogs and wild animals from getting in the garbage.

Councilman Wittmeyer said representatives from the County Highway Department told him that there are plans to rebuild the Patchin Road bridge this summer. He added that three letters have been sent to the County Highway Department so far relative to a permit for highway department plows and emergency vehicles to use the bridges, even though their weight is more than the interim posting.

Councilman Wittmeyer reported that he, along with Supervisor Kennedy, Councilman Lisowski and Councilman Wohlhueter, attended a demonstration on February 25 at the Patchin Fire hall of the "jaws of life", which is used to extricate victims of automobile accidents. He said the Town Board will work with the fire companies if they decide to make this purchase, as it would provide an excellent service to the town.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Dog Control Officer Monthly Report was received.

Upon the recommendation of the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to approve the building application for a greenhouse at 8692 Boston State Road.

five (5) ayes

Carried

A letter was received from the Planning Board stating they were unable to determine from the plans submitted which building on the property was being extended, therefore they made no recommendation on the application of Rucker Lumber Co. for a building permit. Supervisor Kennedy said he spoke with Code Enforcement Officer Dennis Kramer relative to this matter and Mr. Kramer provided him with this information and the fact that the building will be in compliance with the zoning ordinance. A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to approve the building application of Rucker Lumber, Inc. to extend an existing warehouse on their property at 9184 Boston State Road.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:25 P.M.



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 1st day of March, 1989 at 7:30 P.M. Eastern Standard Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Councilman Wittmeyer presented the following resolution and moved its adoption:

WHEREAS, Governor Cuomo's proposed budget eliminates funding for Prevention (Youth Service and Recreation) programs and dismantles the present youth service delivery system (Youth Bureaus), and

WHEREAS, adopting this budget would result in an \$11,000.00 loss of state aid to the Town of Boston,

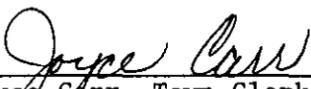
NOW, THEREFORE, BE IT RESOLVED, that the Town of Boston urges the:

1. Removal of the language from Article 7 of the Governor's proposed 1989-90 budget that repeals Executive Law Section 420.
2. Restoration of the appropriation for the NYS Division of Youth Aid to Localities: Local Services Budget (including the Special Delinquency Prevention Program funds transferred from State Operations) to 1988-89 levels (\$61,224,800) to meet the obligations for approved programs that began January 1, 1989.

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

Supervisor Kennedy	Voting	aye
Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Wohlhueter	Voting	aye
Councilman Lisowski	Voting	aye

AYES: 5 NOES: 0 ABSENT: 0


Joyce Carr, Town Clerk

IN THE MATTER OF
PROCEEDINGS FOR THE QUALIFIED ABANDONMENT OF
POLISH HILL ROAD IN THE TOWN OF BOSTON, NEW YORK

I, Clarence Kreitzbender, Superintendant of Highways of the Town of Boston, County of Erie, State of New York, do hereby certify to the Town Board of the Town of Boston and the Superintendant of Highways of the County of Erie, State of New York as follows:

That the portion of Polish Hill Road, a Town Highway in the Town of Boston, New York, beginning 600 feet west of the intersection of the centerline of Back Creek Road and Polish Hill Road in the Town of Boston, and running thence westerly a distance of three-thousand three-hundred sixty-four point two feet (3,364.2') to the right of way of the Route 219 Expressway has not become wholly disused, but that it has not for the last two years and longer been usually travelled along the greater part thereof by more than two vehicles daily, in addition to pedestrians and persons on horseback; and that said portion of said road is unimproved and that there are no residences located along said road.

I further certify that a qualified abandonment of the portion of Polish Hill Road in the Town of Boston, New York is proper, will not cause injustice or hardship to the owner or occupant of any lands adjoining such highway.

I therefore request that the portion of Polish Hill Road, a town highway in the Town of Boston, New York, be qualifiedly abandoned pursuant to the provisions of Section 205 of the highway law of the State of New York.

DATED: March 14, 1989
Boston, New York



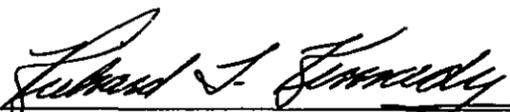
Clarence Kreitzbender,
Superintendant of Highways

IN THE MATTER OF
PROCEEDINGS FOR THE QUALIFIED ABANDONMENT OF
POLISH HILL ROAD IN THE TOWN OF BOSTON, NEW YORK

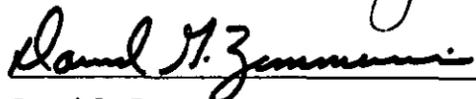
WHEREAS, Clarence Kreitzbender, Superintendant of Highways of the Town of Boston, County of Erie, State of New York, has duly certified in writing that the portion of Polish Hill Road, a town highway in the Town of Boston, New York extending from a point situated six-hundred feet (600') west of the intersection of Polish Hill Road and Back Creek Road in the Town of Boston, New York, and extending from that point for approximately three-thousand three-hundred sixty-four point two feet (3,364.2') westerly to the right of way of the Route 219 Expressway in the Town of Boston, New York, has not for the last two years or longer, been usually traveled along the greater part thereof, by more than two vehicles daily, in addition to pedestrians and persons on horseback, and that a qualified abandonment is proper and will not cause injustice of hardship to the owner or occupant of any lands adjoining such highway.

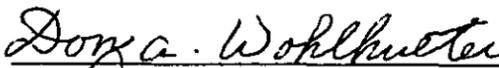
We the members of the Town Board of the Town of Boston, do hereby consent to the making and filing of said certificate and request the Superintendant of Highways of the County of Erie, State of New York, to proceed in accordance with the provisions of Section 205 of the Highway Law of the State of New York to hold a hearing on this application.

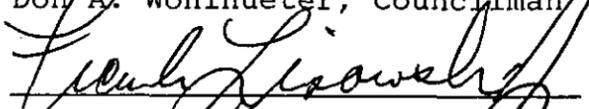
DATED: March 15, 1989
Boston, New York


Richard L. Kennedy, Supervisor


Milton I. Wittmeyer, Councilman


David G. Zimmerman, Councilman


Don A. Wohlhueter, Councilman


Frank H. Lisowski, Jr., Councilman

I, JOYCE CARR, Town Clerk of the Town of Boston, hereby certify that the above consent is duly adopted by resolution at a regular meeting of the Town Board of the Town of Boston held on March 15, 1989 in the Town Hall, 8500 Boston State Road, Boston, New York.

Joyce Carr, Town Clerk

Regular Meeting
March 15, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Clarence Kreitzbender.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Minutes of the Regular Meeting of March 1, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special Districts Bills on Abstract #3A, March 15, 1989, in the amount of \$54,700.55 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the Highway Bills on Abstract #3A, March 15, 1989, in the amount of \$6,470.47 be paid.

five (5) ayes

Carried

Received and filed acknowledgement from Governor Cuomo of receipt of Town of Boston resolution relative to funding for Roswell Park Memorial Institute.

Received and filed letter from New York State Department of Transportation with notification that engineering studies have been initiated on the town's request to establish a lower speed limit on Heinrich Road and Valley Circle Lane.

Received from the Boston Emergency Squad, Inc. notification of their officers for 1989.

Received acknowledgement from Assemblyman Thomas M. Reynolds of the Town of Boston's resolution relative to the Governor's attempt to end youth service funding. Supervisor Kennedy added that Mr. Reynolds held a State Budget hearing on March 11, 1989 at the Town Hall and it was attended by representatives of school boards, correction officers and other persons concerned with the deletions in the Governor's proposed budget.

Received notification from New York State Electric & Gas that they are reviewing the town's request for an additional street light on Liebler Road.

Received from North Boston Volunteer Fire Co., Inc. a list of officers, committees and changes in their membership.

Received notice of a Forum on Roadway Lighting to be held by New York State Electric & Gas Corp. on March 23, 1987. Supervisor Kennedy said he will be on vacation, however, if any Town Board member can attend, he will provide them with an agenda.

Referred to the Capital Improvements Committee for their April meeting information received from the New York State Department of Transportation on the Industrial Access Program, which assists in road and bridge improvements.

Norman Pfeffer, 7681 Boston State Road, said there are several street lights that are out in his area. Supervisor Kennedy said he also noted that several are out along Boston State Road in the Patchin area, but he will recheck the exact locations of the poles so that the Electric Co. can be notified to replace the bulbs.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make the following Correction of Abstract #3, March 1, 1989 - General Fund:

From: Voucher #149 - Remy Orffeo	A7310.4 Youth Prog., Cont.
Voucher #150 - Remy Orffeo	A7310.4 Youth Prog., Cont.
Voucher #151 - Sideline Athletic Wear	A7310.4 Youth Prog., Cont.
To:	A7140.4 Play & Rec. Centers, Cont.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to authorize the Supervisor to sign an easement with National Fuel, tabled from the

March 1, 1989 meeting, with the addition to the agreement that National Fuel must restore the town-owned property in North Boston to its present state after their work is completed.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to renew the Special Use Permit to house two horses on the property of Frank and Audrey Henry, 7660 Charles Drive, for a period of three years; said permit to expire March 19, 1992.

five (5) ayes

Carried

RESOLUTION - APPOINTING OFFICER OF THE TOWN OF BOSTON

At 7:45 P.M. a Public Hearing was held on Local Law Number 1 of the Year 1989, entitled "An Amendment to Local Law Number 1 of the Year 1987 - Flood Plain Regulations". The Legal Notice and proposed Amendment was read by Town Clerk Carr. Supervisor Kennedy opened the hearing. Town Attorney Perley said this amendment has to be adopted according to federal guidelines in order to make available to residents flood plain insurance. There were no comments or questions from the floor.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 7:47 P.M.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to adopt Local Law Number 1 of the Year 1989, entitled "An Amendment to Local Law Number 1 of the Year 1987 - Flood Plain Regulations".

five (5) ayes

Carried

A letter was read from Chet Jandzinski, Erie County Department of Environment and Planning, relative to adopting a resolution for the acceptance of the Eden-Boston Agricultural District. Councilman Lisowski stated he felt that the Harold Rockwood farm on Rockwood Road would be included in the Ag District and he had discussed this inclusion with Mr. Jandzinski. Councilman Lisowski also advised that Mr. Richard May and Mr. Joseph Telaak, Boston members of the Ag District Committee, had both stated they approved of the district boundaries. Assessor William Kleis advised that Joseph Telaak had expressed a desire to him that his recently purchased farm on Mayer Road be included also. The Town Board agreed that the Rockwood farm be included in the Ag District.

RESOLUTION - EDEN-BOSTON AGRICULTURAL DISTRICT

RESOLUTION - ABANDONMENT OF POLISH HILL ROAD

Supervisor Kennedy said that, due to Councilman Wohlhueter's increased duties as chairman of the townwide garbage program, he is appointing Councilman Lisowski as Town Board Liaison to Parks and Recreation and Youth Service and Councilman Wohlhueter as Town Board Liaison to the Senior Citizens.

RESOLUTION - HIGHWAY EXCHANGE - MAYER ROAD and PATCHIN ROAD

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to refer to the Planning Board for their review and recommendation the resubmitted building and site plans of Gregory Gerwitz for a retail store/apartment complex at 7456 Boston State Road.

five (5) ayes

Carried

Supervisor's Monthly Report was received.

Supervisor Kennedy said that he has directed the Deputy Code Enforcement Officer to check a report he received relative to a purported dog kennel operation on Meadow Drive.

PUBLIC NOTICE
TOWN OF BOSTON

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board, Town of Boston, Erie County, New York on February 15, 1989 a copy of Local Law Number 1 of the year 1989, entitled An Amendment to Local Law Number 1 of the year 1987 - Flood Plain Regulations.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid proposed Local Law at Boston Town Hall, 8500 Boston State Road, Boston, New York on Wednesday, March 15, 1989 at 7:45 P.M. Eastern Standard Time, at which time all persons interested will be heard.
Dated: February 16, 1989

Joyce Carr
Town Clerk
Town of Boston

2-23

Supervisor Kennedy said that Code Enforcement Officer Kramer has advised that he has inspected the DeMarco property at 5647 Herman Hill Road and that Mr. DeMarco said he will cooperate with the town in the operation of his collision shop. Supervisor Kennedy directed Town Attorney Perley to draft a letter to Mr. DeMarco, asking for this cooperation.

Highway Superintendent Kreitzbender reported that bids were opened on Thursday, March 9, 1989 in the Supervisor's Office for the following:

1989 Heavy Duty Diesel Powered Dump Truck:

Bison Ford Truck Sales, Inc.
2370 Walden Avenue
Cheektowaga, New York 14225

Truck Chassis	\$64,033.94
Trade-in 1974 GMC	2,500.00
Net Price	\$61,533.94

Buffalo Truck Sales & Service
85 Michigan Avenue
Buffalo, New York 14204

Truck Chassis	\$60,253.00
Trade-in 1974 GMC	6,200.00
Net Price	\$54,053.00

Hansen International Trucks, Inc.
2425 Walden Avenue
Buffalo, New York 14225

Truck Chassis	\$64,396.00
Trade-in 1974 GMC	4,500.00
Net Price	\$59,896.00

Upon the recommendation of Highway Superintendent Kreitzbender, a motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to accept the bid of Buffalo Truck Sales & Service for the net price of \$54,053.00, for a 1989 heavy duty diesel powered dump truck, with trade of 1974 GMC truck.

five (5) ayes

Carried

Highway Superintendent Kreitzbender reported the following bids were also opened on Thursday, March 9, 1989 in the Supervisor's Office:

Dump Body and Hoist:

Snowfighting Equipment & Consultants of Buffalo, Inc.
P. O. Box 126 - Southside Station
Buffalo, New York 14220
Price \$ 9,984.00

Valley Truck & Equipment Co., Inc.
9776 Trevett Road
P. O. Box 156
Boston, New York 14025
Price \$ 8,987.00

Walter M. Roberts Ent., Inc.
829 Sheridan Drive
Tonawanda, New York 14150
Price \$10,148.00

Upon the recommendation of the Highway Superintendent, a motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to accept the bid of Valley Truck & Equipment Co., Inc. for a dump body and hoist in the amount of \$8,987.00.

five (5) ayes

Carried

Highway Superintendent Kreitzbender said that one bid was received for:

1974 GMC 10 Wheeler Dump Truck:

Big Tree Development Corp.
4251 Big Tree Road
Blasdell, New York 14219
Total bid: \$ 3,355.00

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to reject the bid of Big Tree Development Corp. for the purchase of the 1974 GMC 10 Wheeler Dump Truck, as it is being traded in to Buffalo Truck Sales & Service. Town Clerk Carr was directed to draft a letter to Big Tree Development Corp. with this information.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant permission to Highway Superintendent Kreitzbender to attend a highway seminar, to be held at Cornell University in Ithaca, New York, on June 5-7, 1989, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

Attorney Perley reported that dogs are no longer kenneled at the Dillsworth residence, 5829 Herman Hill Road.

Attorney Perley also reported that he sent Planning Board Member Ken W. Kloeber a letter asking him to let the Town Clerk know by March 15 his intentions relative to either asking for reinstatement or resignation from the Planning Board, but that no letter has been received. Supervisor Kennedy directed Town Clerk Carr to send a letter to Mr. Kloeber and ask him to attend the Town Board's next Agenda Review on April 3, 1989, so that this matter may be discussed with him.

Councilman Wohlhueter reported that John Palmerton of Joe Ball Sanitation, Inc. told the Town Board prior to this meeting tonight that a garbage truck was stuck in the mud on Dunn Road today and that they will not pick up on Dunn Road until weather conditions are such that the road is of a harder surface. Arrangements will be made with the Highway Department to pick up the garbage on this road and transfer it to a Joe Ball truck until such time as slag can be spread and the road condition improves with warmer weather.

Councilman Wittmeyer reported that Norman Pfeffer contacted him relative to the fact that weekly Pennysavers are being tossed into the road ditch at his property, as there are nine mailboxes, but only two Pennysaver tubes. The publishers of the Pennysaver will be contacted and asked to either install more tubes or leave fewer Pennysavers.

Councilman Zimmerman said he and Supervisor Kennedy attended a meeting of property owners with property adjacent to 9441 Boston State Road - South Towns Rural Preservation Co. building. The property owners are all in agreement to purchase the property to the north and east of the building, with some arrangements still to be completed for the division of one parcel. Town Attorney Perley will draft a letter of intent to those persons who have agreed to purchase parcels of land.

Town Engineer's Monthly Report was received.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that Judith A. Scheetz be reappointed to the Zoning Board of Appeals, term to expire on April 1, 1994.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a Public Hearing for April 19, 1989 at 7:45 P.M. on Amendments to Subdivision of Land regulations in the Town of Boston, as recommended by the Planning Board.

five (5) ayes

Carried

Councilman Zimmerman said that the South Towns Rural Preservation Co. is planning on placing an advertisement for informal bids on a portable classroom on their property.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:34 P.M.



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of March, 1989 at 7:30 P. M. Eastern Standard Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, a portion of the Town of Boston, Erie County, New York is located within the Eden-Boston Agricultural District.

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Boston does hereby approve that portion of the Eden-Boston Agricultural District as set forth on a District Map filed in the Erie County Clerk's Office, and

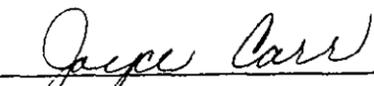
FURTHER RESOLVED, that the Town Board of the Town of Boston is requesting that land described as follows be included in the Eden-Boston Agricultural District:

Township 8 - Range 7 - Farmlot 33. Beginning at the center line of Feddick Road, thence easterly 4007.89 feet, thence northerly 1980 feet, thence westerly 1466 feet, thence northerly approximately 275 feet to the centerline of Winkleman Road, thence westerly approximately 850 feet to a point, thence westerly approximately 1810 feet to the centerline of Feddick Road and 1980 feet to the point of beginning.

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

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5 NOES: 0 ABSENT: 0


Joyce Carr, Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of March, 1989 at 7:30 P. M. Eastern Standard Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of Boston does hereby appointed Supervisor Richard L. Kennedy as the "appointing officer" for the Town of Boston and does hereby have the power of appointment to subordinate positions.

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

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5 NOES: 0 ABSENT: 0


Joyce Carr, Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 15th day of March, 1989 at 7:30 P. M. Eastern Standard Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, a project, the Construction of an Access Road to the U. S. 219 Rice Road Interchange P.I.N. 51-1.33(01), Town of Boston, Erie County funded under the Federal-Aid Highway Program as provided by the appropriate Sections of Title 23, U.S. Code, calls for State or local participation; and,

WHEREAS, the Town of Boston desires to advance the project in conjunction with the County of Erie; and,

WHEREAS, The Town of Boston is informed that the County of Erie also desires to participate in said project; and,

WHEREAS, the Town of Boston is informed that the County of Erie will consider legislation at its meeting to be held on Thursday, March 16, 1989, to provide 25% of the non-federal share of the cost of said project that are not in the State Highway System including but not limited to a preliminary appropriation not to exceed \$45,000 for engineering costs with a total cost for design, rights of way, acquisition and construction not to exceed \$620,000; and,

WHEREAS, In order to make the allocation for engineering purposes, it is necessary that the County of Erie add to the County Road System that part of Rice Road TH630 from Zimmerman Road, east approximately 0.6 miles; and,

WHEREAS, the County of Erie proposes to remove from the Erie County Road System Patchin Road (CR444), from Back Creek Road (CR438), east to Boston State Road (CR237), except for the Bridge over Eighteen Mile Creek pursuant to Highway Law § 115-b and subject to the notice provision of Highway Law § 115-c; and,

WHEREAS, time is of the essence in effectuating this transfer to comply with the time requirements of the Federal-Aid Highway Program, necessitating passage of this Resolution prior to the presentation of the appropriate resolutions to the Erie County Legislature; and,

WHEREAS, the proposed legislation has been forwarded to the Town of Boston,

NOW, THEREFORE BE IT RESOLVED, that the Town of Boston hereby supports the County of Erie in respect to the Rice Road Interchange project; and be it further

RESOLVED, that the Town of Boston accepts the deletion of Patchin Road, except for the Eighteen Mile Creek Bridge, between Back Creek Road and Boston State Road (.41 miles) and its inclusion as a Town Road subject to the applicable provisions of Highway Law § 115-b and 115-c, and be it further

RESOLVED, that upon completion of the Rice Road Interchange, the Town of Boston agrees to accept the deletion of Mayer Road (CR 471) between Zimmerman Road and Feddick Road, a distance of .86 miles) from the County Highway Map and its inclusion as a Town Highway subject to the following conditions:

1) Certification by the Town of Boston Highway Superintendents that said highway is of acceptable design and construction and in acceptable condition.

2) Agreement by the County of Erie that any deficiencies on said Road will be corrected before deletion from the Erie County Highway Map.

3) The applicable provisions of Highway Law § 115-b and 115-c.

AND BE IT FURTHER RESOLVED, that the Supervisor be, and is hereby authorized to execute all documents necessary for the purpose of this resolution.

Seconded by Councilman Wittmeyer and put to a vote, which resulted

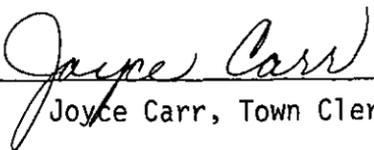
as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5

NOES: 0

ABSENT: 0



Joyce Carr, Town Clerk

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to reject the bid of Big Tree Development Corp. for the purchase of the 1974 GMC 10 Wheeler Dump Truck, as it is being traded in to Buffalo Truck Sales & Service. Town Clerk Carr was directed to draft a letter to Big Tree Development Corp. with this information.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to grant permission to Highway Superintendent Kreitzbender to attend a highway seminar, to be held at Cornell University in Ithaca, New York, on June 5-7, 1989, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

Attorney Perley reported that dogs are no longer kenneled at the Dillsworth residence, 5829 Herman Hill Road.

Attorney Perley also reported that he sent Planning Board Member Ken W. Kloeber a letter asking him to let the Town Clerk know by March 15 his intentions relative to either asking for reinstatement or resignation from the Planning Board, but that no letter has been received. Supervisor Kennedy directed Town Clerk Carr to send a letter to Mr. Kloeber and ask him to attend the Town Board's next Agenda Review on April 3, 1989, so that this matter may be discussed with him.

Councilman Wohlhueter reported that John Palmerton of Joe Ball Sanitation, Inc. told the Town Board prior to this meeting tonight that a garbage truck was stuck in the mud on Dunn Road today and that they will not pick up on Dunn Road until weather conditions are such that the road is of a harder surface. Arrangements will be made with the Highway Department to pick up the garbage on this road and transfer it to a Joe Ball truck until such time as slag can be spread and the road condition improves with warmer weather.

Councilman Wittmeyer reported that Norman Pfeffer contacted him relative to the fact that weekly Pennysavers are being tossed into the road ditch at his property, as there are nine mailboxes, but only two Pennysaver tubes. The publishers of the Pennysaver will be contacted and asked to either install more tubes or leave fewer Pennysavers.

Councilman Zimmerman said he and Supervisor Kennedy attended a meeting of property owners with property adjacent to 9441 Boston State Road - South Towns Rural Preservation Co. building. The property owners are all in agreement to purchase the property to the north and east of the building, with some arrangements still to be completed for the division of one parcel. Town Attorney Perley will draft a letter of intent to those persons who have agreed to purchase parcels of land.

Town Engineer's Monthly Report was received.

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that Judith A. Scheetz be reappointed to the Zoning Board of Appeals, term to expire on April 1, 1994.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a Public Hearing for April 19, 1989 at 7:45 P.M. on Amendments to Subdivision of Land regulations in the Town of Boston, as recommended by the Planning Board.

five (5) ayes

Carried

Councilman Zimmerman said that the South Towns Rural Preservation Co. is planning on placing an advertisement for informal bids on a portable classroom on their property.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:34 P.M.



Joyce Carr
Town Clerk

RESOLUTION - EXTENSION OF WATER DISTRICT #1

Councilman Wittmeyer noted that Joseph Simmeth was in attendance at the meeting and that Mr. Simmeth previously inquired if his property, which is approximately 500 feet easterly of the Kopczynskis, could be included in the extension. Supervisor Kennedy told Mr. Simmeth that the town engineer is making an analysis of this request and Mr. Simmeth will be apprised of the results. Supervisor Kennedy added that he is aware of serious problems with water quantity and quality on Chestnut Ridge and Omphalius Roads and that funding for this project is being pursued.

Received notification for the New York State Department of Transportation that the request for a lower speed limit on Lower East Hill Road has been evaluated and they have determined that a speed zone is not appropriate at this time. The speed zone along Mayer Road has been ordered at 40 mph and will be in effect as soon as the proper signs have been installed. Councilman Wittmeyer directed Town Clerk Carr to furnish Mrs. Alexander of Lower East Hill Road and Mr. Murray of Mayer Road the information received from the Department of Transportation.

Recreation Supervisor Gerald O'Brien, representing the Boston Youth Baseball Association, presented to the Town Board the Mark W. Wiate Memorial plaque, which is to be awarded annually to the Boston Youth Baseball League Senior Division player who excels in sportsmanship, desire and dedication. Mr. O'Brien said that Mark Wiate was a dedicated athlete, who started playing baseball in the PeeWee League and through the Senior Division in the Town of Boston. He personified the qualities of sportsmanship, desire and dedication and played basketball in his freshman year of college before his untimely death in an automobile accident last year.

Mr. O'Brien then announced the first annual Mark W. Wiate Memorial Award was being presented to Kevin R. Steward, who resides at 7533 Valley Circle Lane. The plaque will be displayed on a wall in the Meeting Room at the Town Hall.

Applications for Soil Removal Permits were received from Martin and Mildred Logel and Joseph Simmeth and both applications were deferred until the April 19, 1989 Town Board Meeting, so that they may be reviewed by the Code Enforcement Officer.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to accept the street lighting proposal by New York State Electric & Gas for an additional street light on Pole 27-1 in the area of 6764 Liebler Road, as requested by resident Chester Rosinski.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to grant permission to Karen A. Barone, Coordinator of the "Wheels for Life Bike-a-thon", to use the Town Park on Saturday, May 13, 1989 from 9:00 A.M. to 3:00 P.M., with a rain date of May 20, 1989, contingent on receipt of a Certificate of Insurance. Mrs. Barone also requested use of picnic tables and chairs, and Supervisor Kennedy said the concensus of the Town Board is that no inside furniture be taken outdoors, and he will ask the Parks Department to bring the outside picnic tables to the pavillion for the race and if extra tables are needed, either the Lions Club or the fire companies could be contacted.

five (5) ayes

Carried

Received and filed letter from New York State Department of Environmental Conservation, stating they approve of the Thornwood Drive Sanitary Sewer Extension to serve three duplex units on the corner of Thornwood Drive and Boston State Road.

Received a petition from residents of Wildwood Drive, requesting rezoning of their property from Agriculture A-1 to Residence R-1. Supervisor Kennedy said that the

WHEREAS, improvements proposed consist of the construction and installation of a water system to serve the annexed property including main water line and such other pumping stations, valves and hydrants including the acquisition of any lands and rights of way therefor in accordance with certain plans now on file in the office of the Town Clerk of the said Town of Boston; and

WHEREAS, the petitioners have agreed to bear the expense of extending the waterline to serve the annexed property, excluding from such expense the cost of purchasing, installing, and maintaining a fire hydrant which at said cost will be borne by the Town of Boston Fire District, it is hereby ordered that a meeting of the Town Board of said Town of Boston shall be held in the Town Hall, 8500 Boston State Road, Boston, New York on the 5th day of April at 7:45 o'clock in the evening of said date to consider said petition and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of said Town Board with relation to said petition as may be required by Law or proper in the premises.

DATED: March 1, 1989
Boston, New York
EXHIBIT "A"

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

Beginning at a point in the Centerline of Omphalius Road, said point being the intersection of the Centerline of the said Omphalius Road and the Centerline of lands formerly owned by the Buffalo and Susquahauna Railroad Company, now owned by the Niagara Mohawk Power Company running thence northerly along the centerline of lands owned by the Niagara Mohawk Company, a distance of approximately 450.00 feet more or less to a point in said centerline which intersects with the extension of the Northerly property line of Alois Kopczynski, thence easterly along the northerly line of the Kopczynski property 550 feet to a point, thence southerly and at right angles to the northerly line of Kopczynski, a distance of 410 feet more or less to the center line of Omphalius Road, thence westerly along the center line of Omphalius Road, approximately 350 feet more or less to the point and place of beginning.

3-9

Codification Committee is presently reviewing the zoning of the town and that new maps will be prepared when the new zoning ordinances take effect. Town Clerk Carr was directed to communicate with signers of the petition and tell them the Town Board will consider their request, either by taking action prior to the codification procedure or when the new mapping takes effect.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to ask the Planning Board to review the petition request for rezoning.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

RESOLUTION - BOSTON AMBULANCE DISTRICT

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to grant permission for Town Clerk Joyce Carr to attend the New York State Town Clerks' Association Conference in Syracuse on April 23-26, 1989, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

Town Justice Monthly Financial Report, consisting of 18 pages, was received. The amount of \$11,752.00 was sent to the State Comptroller, which is the highest amount ever collected in one month from the Boston Court.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to publish, at the request of the Erie County Highway Superintendent, a Notice of Public Hearing on the Abandonment of Polish Hill Road; hearing to be held at the Boston Town Hall on Wednesday, May 3, 1989 at 7:00 P.M.

five (5) ayes

Carried

Councilman Wittmeyer directed Town Clerk to communicate with Erie County Highway Department relative to their letter of December 20, 1988, in which they stated they will install lower speed signs on Abbott Road, as these signs have not yet been placed.

Councilman Wittmeyer also said that he and Councilman Lisowski investigated a complaint received last week that 12 automobile gasoline tanks were dumped on Keller Road, along with personal identification that was dropped at the scene. A representative of the Department of Environmental Conservation was called and succeeded in having the person that dropped off the tanks come and remove them the next day. He added that this may become a more common occurrence, due to the inability of persons to easily get rid of items such as gas tanks, tires, and batteries and asked that anyone seeing evidence of this littering should immediately notify the Town Hall. Councilman Wohlhueter and Supervisor Kennedy will be attending a Southtowns Solid Waste Committee meeting this next week and will discuss the problem at that time.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Town Engineer's Monthly Report was received.

Dog Control Officer Monthly Report was received.

A letter was received from Planning Board member Ken W. Kloeber, stating he was resigning due to a potential conflict of interest. Supervisor Kennedy directed Town Clerk Carr to send a letter of appreciation to Mr. Kloeber and also to tell him that, if his situation changes, he can again ask for appointment.

A letter was received from Assessment Board of Review member Eileen P. Berst, stating that for personal circumstances she is submitting her resignation. Town Clerk Carr was directed to send a letter of appreciation for her service to Mrs. Berst.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to adjourn at 8:29 P.M.

Joyce Carr

Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 5th day of April, 1989 at 7:30 P.M. Eastern Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Councilman Zimmerman presented the following resolution and moved its adoption:

WHEREAS, a written petition dated February 28, 1989, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Boston, Erie County, New York for the annexation of property situate in said town, to Water District #1 in the said Town of Boston, to be bounded and described as herein below set forth and identified as Exhibit A and made a part hereof; and,

WHEREAS, improvements proposed consist of the construction and installation of a water system to serve the annexed property including main waterline and such other pumping stations, valves and hydrants, including the acquisition of any lands and rights of way, therefore, in accordance with certain plans now on file in the office of the Town Clerk of the said Town of Boston; and,

WHEREAS, the petitioners have agreed to bear the expense of extending the waterline to serve the annexed property, excluding from such hydrant which said cost will be borne by the Town of Boston Fire District; and,

WHEREAS, a public hearing was held at the Town Hall of the Town of Boston, 8500 Boston State Road, on the 5th day of April, 1989 at 7:45 P.M. to consider said petition and to hear all persons interested in the subject thereof,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Boston herein determines by this resolution:

- 1) That, the notice of hearing was published and posted as required by law and is otherwise sufficient;
 - 2) That, the property and property owners within the proposed extension are benefited thereby;
 - 3) That, all property and property owners benefited are included within the limits of the proposed district extension;
 - 4) That, the extension of Water District #1 is in the public interest;
- and,

BE IT FURTHER RESOLVED, that, the following described property be and the same is hereby annexed to Water District #1 of the Town of Boston:

ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Boston, County of Erie and State of New York being part of Lot 14, Township 8, Range 7 of the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at a point in the centerline of Omphalius Road, said point being

the intersection of the center line of said Omphalius Road and the centerline of lands formerly owned by the Buffalo Susqehanna Railroad Company, now owned by the Niagara Mohawk Power Company, a distance of approximately 450.00 feet more or less to a point in said centerline which intersects with the extension of the northerly property line of Alois Kopczynski, thence easterly along the northerly line of the Kopczynski property 550 feet to a point, thence southerly and at right angles to the northerly line of Kopczynski, a distance of 410 feet more or less to the center line of Omphalius Road, thence westerly along the the center line of Omphalius Road, approximately 350 feet more or less to the point and place of beginning.

BE IT FURTHER RESOLVED, that, the expense in preparing plans and in constructing and installing water service to the property included within the above described extension, shall be borne by the owners thereof; and,

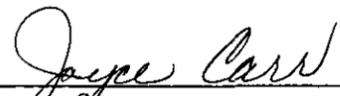
BE IT FURTHER RESOLVED, that, the cost of purchasing, installing and maintaining of fire hydrant to serve the annexed property shall be borne by the Town of Boston Fire District; and,

BE IT FURTHER RESOLVED, that, the annexation of the property hereinabove described, be and the same is subject to a permissive referendum as provided by law.

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

Supervisor Kennedy	Voting	<u>aye</u>
Councilman Wittmeyer	Voting	<u>aye</u>
Councilman Zimmerman	Voting	<u>aye</u>
Councilman Wohlhueter	Voting	<u>aye</u>
Councilman Lisowski	Voting	<u>aye</u>

AYES: 5 NOES: 0 ABSENT: 0



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 5th day of April, 1989 at 7:30 P.M. Eastern Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

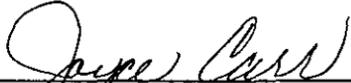
WHEREAS, Chapter 24 of the 1988 Session Laws of the State of New York allows the formation of Ambulance Districts,

NOW, THEREFORE, BE IT RESOLVED, that a committee composed of the Town Attorney, Town Engineer, Deputy Supervisor Milton Wittmeyer (current Disaster Coordinator), Councilman Zimmerman (current liaison to Boston Emergency Squad), and Jody Powley (current President of Boston Emergency Squad), present to this Town Board on April 19, 1989, at a regular meeting of the Town Board, a map plan and report for providing ambulance service in the Town of Boston under the style and form of an Ambulance District, as provided for by Chapter 24 of the 1988 Session Laws of the State of New York.

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

Supervisor Kennedy	Voting	aye
Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Wohlhueter	Voting	aye
Councilman Lisowski	Voting	aye

AYES: 5 NOES: 0 ABSENT: 0


Joyce Carr
Town Clerk

TOWN OF BOSTON



RESOLUTION

WHEREAS, by resolution of the Town Board of the Town of Boston unanimously adopted at a Regular Town Board Meeting held on the 5th day of April, 1989, a report, dated the 19th day of April, 1989 was duly presented to the Town Board of the Town of Boston, together with the necessary Map and Plan attached thereto; and,

WHEREAS, an Order was duly adopted by the Town Board on April 19, 1989, reciting the filing of the said petition, the improvements proposed, the boundaries of the proposed District and specifying May 3, 1989 at 7:45 o'clock p.m. as the time in the said Town Hall in the said Town of Boston as the place where the said Board would meet to consider the report and to hear all persons interested in the subject thereof, concerning the same; and,

WHEREAS, such order was duly posted and published as required by Law; and,

WHEREAS, a hearing in the matter was duly held by the Board on this 3rd day of May, 1989, commencing at 7:45 p.m. at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard:

NOW, upon the evidence given upon such hearing, Councilman Zimmerman offered the following resolution and moved its adoption, to wit:

RESOLVED AND DETERMINED, that (a) the report of aforesaid duly complies with the requirements of the Town Law, as to its sufficiency in form and content and it is otherwise sufficient; (b) all the property and property owners within the proposed District are benefited thereby; and (c) all the property and property owners benefited are included within the limits of the proposed District; and, (d) it is in the public interest to form an Ambulance District as proposed in the Map Plan and Report filed with the Town of Boston; and it is further

RESOLVED AND DETERMINED, that the establishment of an Ambulance District as proposed in the Map Plan and Report be approved; that the improvement therein mentioned shall be designated and known as the Town of Boston Ambulance District and shall be bounded and described as follows:

All that tract or parcel of land situated in the Town of Boston, County of Erie, State of New York, being all of Lots 1 through 46, inclusive and Lots 55 through 70, inclusive of Township 8, Range 7 of the Holland Land Company's Survey; and it is further

TOWN OF BOSTON

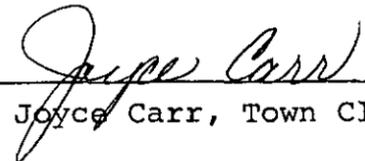


RESOLVED, that the proposed District, including costs and all expenses shall be financed as current expenses of said District, and that no additional expense is incurred in the formation of said District, and that no additional expense is incurred in the formation of said District; and it is further

RESOLVED, that the Town Clerk of this Town shall within ten (10) days after the adoption of this Resolution, filed certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York and shall file a certified copy thereof with the County Clerk of the County of Erie.

Which said Resolution was seconded by Councilman Wittmeyer and duly put to a vote as follows:

Councilman Zimmerman	Aye <u> X </u>	No <u> </u>	Absent <u> </u>
Councilman Wittmeyer	Aye <u> X </u>	No <u> </u>	Absent <u> </u>
Councilman Wohlheuter	Aye <u> X </u>	No <u> </u>	Absent <u> </u>
Councilman Lisowski	Aye <u> X </u>	No <u> </u>	Absent <u> </u>
Supervisor Kennedy	Aye <u> X </u>	No <u> </u>	Absent <u> </u>


Joyce Carr, Town Clerk

Regular Meeting
April 19, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Clarence Kreitzbender.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the Minutes of the Regular Meeting of April 5, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #4A, April 19, 1989, in the amount of \$40,913.15 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy that the Highway Bills on Abstract #4A, April 19, 1989, in the amount of \$4,441.78 be paid.

five (5) ayes

Carried

Received and filed letter from Mrs. Frank Lizak, 6555 Fairlane Drive, stating she is cancelling her scheduled date of July 15, 1989 for the use of the Lions Shelter and Town Park.

Received and filed changes in membership from North Boston Volunteer Fire Co., Inc.

Received Summons With Notice in the matter of Roger L. Russin vs. Town of Boston, etal. Town Attorney Perley said this summons has been forwarded to the insurance carrier of the town and counsel to represent the town's interests has been assigned by the carrier.

Received Notice of Claim in the matter of Dean L. Watkins vs. the Town of Boston. Town Attorney Perley said that the town has paid some medical bills for Mr. Watkins, however, the last bill received was returned to him. The insurance carrier has been notified of this claim and a physical examination of Mr. Watkins will be performed in the near future.

Norman Pfeffer, 7681 Boston State Road, said he wished to thank the Town Clerk for her assistance in having New York State Electric & Gas Corp. replace the defective street lights on Boston State Road.

Nancy Stetter, 5562 James Drive, asked about the status of the car wash that has been proposed by Carol and Jeffrey Holben on Boston State Road. Supervisor Kennedy said that the Holbens have not contacted the Code Enforcement Officer relative to the issuance of a building permit.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to approve the following Correction of Abstract #4, dated April 5, 1989:

Voucher #222 - New York State Electric & Gas Corp.

From: \$32.62
To: \$33.05

Total General Fund:	\$23,701.07
Total Abstract	\$30,378.51

five (5) ayes

Carried

Received notification from New York Public Interest Research Group, Inc. that they plan on conducting a door-to-door outreach in the town between May 7 and August 31, 1989. Supervisor Kennedy said this program is conducted each year and that information relative to it is on file in the Town Clerk's Office.

Upon the recommendation of Code Enforcement Officer Dennis Kramer, a motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that a Soil Removal Permit be granted to Martin and Mildred Logel, not to exceed 600 yards, at 7784 Boston State Road.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that a Soil Removal Permit be granted to Joseph Simmeth, 8010 Boston State Road, not to exceed 600 yards, as recommended by the Code Enforcement Officer after an inspection of the property. Mr. Kramer also stated that the area where illegal dumping occurred last year on the property has been cleaned up and cleared of the debris.

five (5) ayes

Carried

A letter was read from KAI Russell Associates, which was sent to Kirst Construction, Duffett Plumbing & Heating and Wittburn Enterprises, Inc., informing them that they have exceeded the 120 calendar day time period for the construction of the highway garage. Supervisor Kennedy stated that the original contract for the construction was for 120 days and that time has been exceeded. Supervisor Kennedy said the delay was caused by extenuating circumstances, such as the weather. A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to extend the contracts, due to extenuating circumstances, such as the weather conditions, until June 1, 1989, to enable the town to pay its contractual obligations to the contractors. The Town Clerk was directed to send a copy of this change order to KAI Russell Associates to indicate that all contractual work shall be completed by June 1, 1989 in conformance with the regulations, restrictions, and provisions of the existing contracts.

five (5) ayes

Carried

Received from Erie and Niagara Counties Regional Planning Board a proposal for assistance in ascertaining that the 1990 Census figures for the town will be correct. Supervisor Kennedy said that the population figures will have an extensive impact on the community in areas of funding, etc. and it is vital that the count is correct.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to enter into an agreement with the Erie and Niagara Counties Regional Planning Board, at a cost of \$0.15 per person, to act on our behalf with the Census Bureau; with Councilman Wohlhueter assisting Town Clerk Carr in ensuring that the contract specifications are fulfilled.

five (5) ayes

Carried

At 7:45 P.M. a Public Hearing was held on proposed Amendments to the Subdivision Regulations of the Town of Boston. The Town Clerk read the Legal Notice and the Supervisor convened the hearing and explained that the amendments are relative to paper streets and sewer and water connections, which were originally not included in the existing regulations. There were no comments or questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to close the public hearing at 7:51 P.M.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to approve the addition of §104-8B (20) - Subdivision Streets and §104-8D - Sewer and Water Connections, to the Subdivision Regulations of the Town of Boston.

five (5) ayes

Carried

RESOLUTION - STOP DWI CONTRACT

Received a letter and map of the Concord-Boston Agricultural District from the Erie County Department of Environment and Planning, relative to a review process of this area. Supervisor Kennedy directed Councilman Lisowski to contact farmers in this district of the town that may be interested in serving on the review committee.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to grant the sum of \$400.00 to the Amvets to offset expenses that will be incurred in the annual Memorial Day observance on May 29, 1989.

five (5) ayes

Carried

PUBLIC NOTICE TOWN OF BOSTON AMENDMENTS TO SUBDIVISION REGULATIONS OF THE TOWN OF BOSTON

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing on the 19th day of April, 1989 at 7:45 P.M. Eastern Time, in the Town Hall of the Town of Boston, 8500 Boston State Road on the following proposed amendment to the Subdivision Regulations of the Town of Boston.

§104-8B (20). Within one year of final approval of the subdivision plat, the developer shall convey to the Town of Boston, by warranty deed, all streets situated thereon. Said conveyance shall be required whether or not said streets have been constructed, and/or accepted by the Town of Boston. Conveyance of such streets shall not relieve the subdivider of its obligation to construct said streets in accordance with design specifications of the Town of Boston, and to obtain approval and acceptance of said streets by the Town Board of said town, prior to obtaining any building permits.

§104-8D. Sewer and Water connections.

1. The subdivider shall provide all connections for public water and sewer, including all road borings, as required by the Planning Board. A supply of public water in any water district shall contain a closed-loop design, unless in the opinion of the Town Engineer a closed-loop design is not practicable.

Dated: March 21, 1989

Joyce Carr
Town Clerk

3:30

TOWN OF BOSTON



APPENDIX "C"

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, in said town on the 19th day of April, 1989 at 7:30 P. M., Eastern Daylight Saving Time there were present:

Richard Kennedy	Supervisor
David Zimmerman	Councilman
Milton Wittmeyer	Councilman
Don A. Wohlhueter	Councilman
Frank Lisowski, Jr.	Councilman

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

WHEREAS, the County, pursuant to the authority granted to it by Article 43-A of the Vehicle and Traffic Law, has established a special traffic options program for driving while intoxicated (STOP-DWI) and has formulated a plan thereunder for the coordination of county, town, city and village efforts to reduce alcohol-related traffic injuries and fatalities, and

WHEREAS, the Erie County Sheriff's Department and the New York State Police are engaged in certain alcohol traffic safety law enforcement activities within the Town of Boston, including the detection and arrest of persons operating a motor vehicle in violation of either Section 1192 or 511 (2) of the Vehicle and Traffic Law, and

WHEREAS, a Justice Court has been established in and for the Town of Boston with jurisdiction to hear and determine cases involving alleged violations of Section 1192 and 511 (2) of the Vehicle and Traffic Law, and

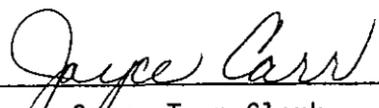
WHEREAS, an agreement has been presented to the Town of Boston for their approval to participate in the STOP-DWI Program.

NOW, THEREFORE, BE IT RESOLVED, that the Boston Town Board hereby authorized Supervisor Richard L. Kennedy to execute the agreement on behalf of the Town of Boston.

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

Supervisor Kennedy	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5 NOES: 0 ABSENT: 0


Joyce Carr, Town Clerk

Supervisor Kennedy said he received this date a request from Lake Erie Transportation Company, Inc. to install a 200 foot radio tower on their property on Cole Road. A Special Use Permit for a 60 foot tower was previously granted by the Town Board, however, the company said it is not giving sufficient coverage. This matter was referred to the Planning Board for review and recommendation.

Upon the receipt of approval by the Erie County Board of Health, a motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to direct the Town Clerk to advertise for bids for the Thornwood Drive waterline extension of Water District No. 1; said bids to be opened at 10:00 A.M. on May 8, 1989 in the Supervisor's office at the Town Hall.

five (5) ayes

Carried

Supervisor Kennedy said he received this date a letter from Ken W. Kloeber, requesting appointment to the Assessment Board of Review. This matter was tabled until the May 3, 1989 Town Board Meeting.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to authorize the expenditure of \$3837.60 for Ironsides (28 oz. Nylon) carpet for the State Police Barracks, to be installed by N.J. Kuhn Associates.

five (5) ayes

Carried

Tax Collector's Report for the period ending March 31, 1989 was received.

RESOLUTION - POLLING PLACES FOR 1989 IN THE TOWN OF BOSTON

Town Attorney Perley reported that the Ambulance Committee prepared and unanimously accepted a plan for the formation of an Ambulance District in and for the Town of Boston, pursuant to a resolution by the Town Board on April 5, 1989. A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to direct Town Clerk Carr to publish a Notice of Public Hearing on the formation of a Town of Boston Ambulance District for May 3, 1989 at 7:45 P.M.

five (5) ayes

Carried

Town Attorney Perley stated that he has been contacted by attorneys for Creekside Court of Boston, Inc. relative to Sublot #90 of Map Cover 1982, which is owned by the town and is between Sublot #89 and #91 of lands owned by Creekside Court of Boston, Inc. The attorney requests two easements from the town and has submitted a check in the amount of \$300.00 for fees to cover expenses. A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize the Supervisor to sign an easement with Creekside Court of Boston, Inc. for ingress and egress to Sublot #89, as shown on Map Cover 1982, and a further easement for the encroachment of a concrete block building located on Sublot #91, as shown on Map Cover 1982, which building encroaches onto Sublot #90, as shown on Map Cover 1982, which is owned by the town.

five (5) ayes

Carried

Councilman Wittmeyer said he spoke with Robert Ketchum of the Patchin Fire Company and was informed by him that the three fire companies and the Emergency Squad have reached a general agreement regarding the purchase of a jaws-of-life. Councilman Wittmeyer will schedule a meeting with representatives of the fire companies and emergency squad on this matter.

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



Joyce Carr
Town Clerk

Regular Meeting
May 3, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Clarence Kreitzbender.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of April 19, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #5, May 3, 1989, in the amount of \$85,542.13 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #5, May 3, 1989, in the amount of \$4,550.73 be paid.

five (5) ayes

Carried

Received a letter from the Frappa family at 7006 Taylor Road, requesting cable television service at their residence. Town Attorney will communicate with the Frappas relative to the fact that this area is covered under the contract with Adelphia Cable, but the lines are not yet installed. This process, regulated by the Public Service Commission, will have to be put in a "make ready" stage and should be complete within two months, at which time the Frappas will be able to obtain cable service.

Received and filed letter from Assemblyman Thomas Reynolds, expressing appreciation to the Town Board and Recreation Director Remy Orffeo for their efforts in generating citizen support by having a petition drive to retain youth funding in the state budget.

Received a Legislative Report from County Legislator Karl A. Henry, which will be on file in the Town Clerk's Office.

Received tentative special franchise assessments from the State Board of Equalization and Assessment, which are relative to utilities valuation in the town. Supervisor Kennedy noted that the tentative assessments are increased, rather than being decreased, as in recent years.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make the following correction of Highway Fund Abstract #4A, April 19, 1989:

Voucher #124	Supplies Unlimited
From:	\$57.00
To:	\$57.50

five (5) ayes

Carried

Received a letter from Adelphia Cable Communications, relative to the franchise agreement between the town and International Cablevision, Inc. for cable television. Supervisor Kennedy directed Town Attorney Perley to review the agreement as to whether a new agreement can be concluded through informal negotiations. Attorney Perley will report on this matter at the next Town Board meeting.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to renew the Special Use Permit of Mr. and Mrs. Conrad P. Koch, 7374 Lower East Hill Road, for the purpose of boarding and breeding horses; said permit to contain the same stipulations as the original permit and will expire on April 29, 1990.

five (5) ayes

Carried

At 7:45 P.M. a Public Hearing was held in the matter of establishing an Ambulance District for the town. The Legal Notice was read by Town Clerk Carr and Supervisor Kennedy opened the hearing for public comment.

Robert Keel, representing the Boston Emergency Squad, asked if the establishment of a district will change or make more difficult the future purchase of an ambulance. Supervisor Kennedy said the same negotiations between the squad and the Town Board will be in effect and that the establishment will effectively mean that funding for the squad will be moved from the general fund to special district expenditures. This budget transfer will also be an opportunity to set aside capital expenditure monies for future equipment purchases, which could help eliminate the need for bond anticipation notes for equipment purchases. Mr. Keel also asked if this district formation would mean that the squad would expand outside the town limits. Supervisor Kennedy said that input from the squad would always be received for expansion consideration and that consultation and authorization from the squad would be required before any action like this would be taken.

Nancy Stetter, 5562 James Drive, asked what a special district tax consisted of and Mr. Kennedy said that all property owners pay special district taxes, such as water, sewer, garbage and fire protection, therefore, the costs are more equally shared, as they are not subject to Senior Citizens or Veterans exemptions. Mr. Kennedy added that there are only three towns in Erie County that have separate rescue squads, as the other towns' squads are part of their fire companies. If this were the case in Boston, the cost of maintaining the rescue squad would already have been included in the Fire Protection district and would have been assessed accordingly. Councilman Wittmeyer asked if the squad decided to go beyond the town limits, could this area be included in the district and Town Attorney Perley said that it could be and that district lines could be increased or decreased. There were no further comments or questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 7:54 P.M.

five (5) ayes

Carried

RESOLUTION - ESTABLISHMENT OF AMBULANCE DISTRICT

Received notification from Herbert Klein, Chairman of the Codification Committee, that they have completed their review of the Zoning Ordinance, and they submitted the proposed ordinance with the recommendation it be sent to General Codes for review and comment.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to accept the recommendation of the committee and forward the proposed ordinance to General Codes for their review and comment. Supervisor Kennedy also directed Town Clerk Carr to communicate by letter to Mr. Klein and the Codification Committee that the Board expresses its appreciation for all the time the committee spent in drafting the proposed ordinance.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to authorize the Supervisor to sign the Grant Agreement for the 1988-89 Community Development grant year, after review by the Town Attorney.

five (5) ayes

Carried

Supervisor Kennedy appointed a committee consisting of Councilman Zimmerman, Town Attorney Perley, Assessor William Kleis and Code Officer Dennis Kramer to review a proposed amendment to the Zoning Ordinance which would require a site plan and a site plan review for all uses that require a building permit, other than for a farm or a single-family dwelling.

LEGAL NOTICE

Resolution in the matter of the establishment of an Ambulance District for the Town of Boston, Erie County, New York.

WHEREAS, a report, plan and map dated April 19, 1989 proposing the establishment of an Ambulance District for the Town of Boston, Erie County, New York has been presented to and filed with the Town Board of the Town of Boston, Erie County, New York; and,

WHEREAS, no improvements or construction or purchase of any equipment is required for the establishment of an Ambulance District within the Town of Boston; and

WHEREAS, the proposed Ambulance District for the Town of Boston is bounded and described herein:

All that tract or parcel of land situated in the Town of Boston, County of Erie, State of New York, being all of Lots 1-46, inclusive and Lots 55-70, inclusive of Township 8, Range 7 of the Holland Land Company's Survey; and

WHEREAS, the formation of an Ambulance District is authorized by Chapter 24 of the Laws of 1988; and,

IT IS ORDERED, that a meeting of the Town Board of the Town of Boston shall be held in the Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of May at 7:45 o'clock in the evening of said date to consider such report and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of said Town Board with the relation to said report as may be required by law or proper in the premises.

DATED: April 19, 1989

Boston, New York

4-20

Joyce Carr
Town Clerk

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to schedule a public hearing for June 7, 1989 at 7:45 P.M. on a proposed amendment to the Zoning Ordinance of Article VII, Section 9 - Site Plan Review.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to appoint Joseph Wierzbic as Dog Enumerator of the west side of Boston for the Year 1989, with payment of \$1.00 per dog, with no mileage allowance for the use of his own vehicle.

five (5) ayes

Carried

A letter was received from Ernest Rauch, Jr., 8627 Feddick Road, requesting a lower speed limit, due to the fact there are four blind grade driveways in the area and drivers at excessive speed have had many near accidents when approaching a stopped school bus. Supervisor Kennedy referred this request to the Traffic Safety Committee for review.

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy reported he received a letter from Integrated Waste Systems, which he referred to Councilman Wohlhueter for review, relative to disposal of items such as tires, tree stumps, etc. that can not be picked up by conventional refuse collections.

Town Clerk Carr thanked the Town Board for their support of her attendance at a Town Clerks' seminar, which was held in Syracuse this past week, and said it was a very informative session.

Town Clerk Carr said that Ed Schramm, Commander of AMVET Post #219, donated 50 flags to the town for use on Memorial Day and other celebrations. Mrs. Carr was directed to send a letter of appreciation to the AMVET Post for this contribution.

Town Justice Monthly Report, totalling 17 pages and with a remittance of over \$9600.00 to the state - breaking all records, was received.

Councilman Lisowski said he wished to congratulate Recreation Supervisor Gerald O'Brien on receiving the statewide Robert D. Miner "Good Guy" award for his outstanding accomplishments in the recreation field. Town Clerk Carr was directed to send a letter expressing the Town Board's congratulations on this award.

Councilman Wohlhueter said that he, Councilman Lisowski and Recreation Director Remy Orffeo drew up a bus schedule for the summer recreation program that will cover the east hill, west hill and the valley.

Councilman Wohlhueter, as liaison to the Senior Citizens, said he thinks the town should consider setting the limits on tax exemptions at the same rate as the county allows for exemptions on assessed valuations of property.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to schedule a public hearing for June 7, 1989 at 8:00 P.M. on an increase of the income scale for exemptions on property taxes for senior citizens.

five (5) ayes

Carried

Councilman Wittmeyer reported that the lowered speed limit signs on Abbott Road, from Boston State Road to the Orchard Park line, have been installed by the county.

Councilman Wittmeyer said he has contacted the State Police and they are stepping up patrols on evenings and weekends at the Catholic Cemetery, where reported acts of vandalism have occurred recently.

Councilman Wittmeyer said that the presidents of the three fire companies, plus the president of the rescue squad have signed a letter of agreement relative to the purchase of a "jaws of life" for use in emergency extrication of victims of vehicular accidents.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to authorize the allocation of \$5000.00, according to Town Law without the necessity of advertising for bids, toward the down payment to purchase a "jaws of life", which is to remain the property of the fire protection district. The remainder of

the funds needed to purchase this equipment will be reimbursed from next year's town budget.

A letter received from Fred Shear, 7297 Woodland Drive, was read, which stated his objections to the purchase of a "jaws of life". Mr. Shear, who is a member of the North Boston Volunteer Fire Company, said he was writing as an individual, and not as a representative of the fire company.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Town Engineer's Monthly Report was received.

Dog Control Officer Monthly Report was received.

A letter was received from the Planning Board, stating they reviewed the request of residents on Wildwood Drive to rezone their property from Agricultural A-1 to Residence R-1. The Planning Board recommends the requested rezoning, with the exception of the future street and four lots thereon to the south of Wildwood Drive. Supervisor Kennedy directed the Town Clerk to notify a representative of the signers of the petition that, if they wish to proceed with the rezoning application, a fee of \$125.00 must be paid, at which time a public hearing will be scheduled, or they can wait until the codification and accompanying zoning map are complete for this rezoning to take effect.

Received a letter from the Planning Board, recommending the Town Board accept the site plan submitted by Gregory Gerwitz for his proposed retail store/apartment complex at 7456 Boston State Road, with additional revisions, which were outlined in the letter. Supervisor Kennedy said he has serious reservations about the proposed complex and stated several reasons why he felt disturbed about the construction that has already been started.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to table the application for a building permit of Gregory Gerwitz for a retail store/apartment complex at 7456 Boston State Road until the May 17, 1989 Town Board meeting.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint Ken W. Kloeber to the Assessment Board of Review, term to expire September 30, 1991.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to adjourn at 8:35 P.M.



Joyce Carr
Town Clerk

Regular Meeting
May 17, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Clarence Kreitzbender.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of May 3, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #5A, May 17, 1989, in the amount of \$31,923.20 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the Highway Bills on Abstract #5A, May 17, 1989, in the amount of \$3,573.10 be paid.

five (5) ayes

Carried

Received a letter from Mel Miller, Speaker of the Assembly, relative to the Town of Boston's opposition to Governor Cuomo's proposal to cut funding for youth services. Speaker Miller stated that \$7.9 million in funds have been restored in the budget and Supervisor Kennedy said the the efforts of the Assembly and the Republican majority in the Senate to retain the funds that the Governor proposed to be eliminated are appreciated.

Received a check in the amount of \$6,715.08 for payment of franchise fees for the period from October 1, 1988 through March 31, 1989 from Adelpia Cable Communications. Supervisor Kennedy noted this payment reflects an increase in franchise fees, which is based on gross revenues at three percent.

Received a letter from the New York State Department of Law relative to an insurance antitrust lawsuit brought by the New York Attorney General on behalf of New York public entities. Supervisor Kennedy referred this letter and copy of court order to Town Attorney Perley for his review.

Received an announcement of the Erie County Housing Rehabilitation Program from John S. Mowatt, Director of the Community Development Program. Supervisor Kennedy said this information will be on file in the Town Clerk's Office, together with an income eligibility schedule that can be used to determine if a homeowner is eligible to participate in this program.

Received and filed letter from National Fuel Gas relative to construction that may affect the existing natural gas lines and requesting they be notified if any construction activity will possibly infringe upon buried gas piping.

Mark Flowers, 4642 Zenner Road, questioned the Town Board Agenda Item No. 2 (1) and said he wanted to know what Correction and Adoption of Minutes for a prior meeting was. Supervisor Kennedy replied that all Town Board members are issued a copy of the previous Board Minutes and they must be approved or corrected by a motion in order to be officially adopted.

Mr. Flowers also had questions relative to the Adelpia Cable franchise fee payment and the contract with the cable company. Supervisor Kennedy said a copy of the contract is on file and the Town Attorney could answer his questions relative to the reason some sections of town do not receive cable service. Mr. Flowers said the Town of Eden has cable service to the town line on Zenner Road and he feels he has the right as a taxpayer to also have this service. Supervisor Kennedy said there are several areas in town that were not covered in the original contract and the decisions of where the cable was installed were made on the basis of density. He added that cable service is not connected in any way with property assessments or taxes. Town Attorney Perley said he is presently in negotiations with Adelpia for the renewal of the franchise and that he will attempt to have uncovered areas in town as part of the agenda items; he added that he will be happy to talk with Mr. Flowers regarding the possibility of including Zenner Road.

Board to have many concerns about this project, as follows:

1. Current foundation does not conform to the submitted site plan.
2. Front setback was reduced from 65 to 50 feet from the original site plan.
3. Side yard setback was reduced from original site plan.
4. One stairway to the second floor has been eliminated to comply with the side yard requirement.
5. Actual dimensions of the lot are smaller than the original plan.
6. Original diagram was apparently not drawn to scale.
7. Current building plan provides for diagonal parking, that extends north, that could encroach onto the driveway; perpendicular parking has reduced the length of the parking area and is in interference with the existing driveway.

This problem would be accomplished by a larger setback. A larger setback would also reduce the potential for encroachment into the road right-of-way.

8. A corner of the building was cut off from the plans, as the building was constructed without a permit and in the wrong place, as the correct site plan had not been received.
9. Current plans eliminate one of the four external stairways from the second floor to the ground level.
10. Current plans require modification of the balcony, which will reduce access to the balcony on the northeast stairway.

Supervisor Kennedy said that almost all of the above items could be corrected by a modification of the setback from 50 feet to 60 feet. He added that the original plan called for three apartments and now it has been increased to five apartments; the original plan was for wood construction and that has been changed to concrete to conform with the New York State Building Codes. He said several citations were necessary before the work on the wall was stopped, as it was being done without a building permit.

Town Clerk Carr read into the Minutes a letter dated May 17, 1989 from Nussbaumer & Clarke, Inc., relative to their engineering review of the most recent site plan submitted for the construction. A copy of this letter will be made available to Mr. Zach. Mr. Zach stated that the comments he made tonight pertain to the items in his letter and not to the items Mr. Kennedy outlined above.

Code Enforcement Officer Kramer said he has not received the drawing that was submitted by Mr. Gerwitz to the Town Board tonight, however, he added he did not feel the need to review this drawing, as he has personally been at the site on two occasions to take measurements. He added that the ground was wet the last time he was there, but that did not prevent him for taking these measurements. Roger Gerwitz had told him the east side of the wall would be open in order to facilitate taking the measurements, but it was not. He said the plan submitted to him showed 12 inches of concrete thickness, 24 inches wide, and 18 courses of block on the basement level. He added that the plans submitted is not what is being constructed.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to deny the site plan application of Gregory Gerwitz for a retail store/apartment complex at 7456 Boston State Road, as the location of the current building is not consistent with the concept plan which was filed with the town last year; the present wall does not conform to the New York State Building Code; and that said wall, which has been constructed without a building permit, be torn down.

five (5) ayes

Carried

Town Clerk Carr read a letter received from Nussbaumer & Clarke, Inc. dated May 11, 1989, relative to the May 8, 1989 bid opening for the Thornwood Drive Water District #1 Extension. The following bids were received:

	<u>Base Bid</u>	<u>Alternate Bid</u>
Kandey Company, Inc.	\$24,898.80	\$18,298.75*
Videseal Corp.	\$25,042.50	\$21,237.50
Mar-Wal Const. Co., Inc.	\$38,650.00	\$29,775.00
Lebis Construction, Inc.	\$41,340.00	\$38,490.00*

*Indicates corrected figures.

Upon the recommendation of Nussbaumer & Clarke, Inc., a motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to award the contract for the extension of Water District #1 on Thornwood Drive to Kandey Company, Inc., 1921 Three Rod Road, Alden, New York 14004 for the base bid amount of \$24,898.80.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to donate the old ambulance to the Town of Boston Fire District for the transporting of the Jaws-of-Life equipment.

five (5) ayes

Carried

Referred to Councilman Wittmeyer and Code Enforcement Officer Kramer for review the Soil Removal Permit Application of Gregory R. Gerwitz for vacant land off Back Creek Road, said application to be tabled until the June 7, 1989 meeting.

Supervisor Kennedy said the AMVETS have scheduled a Memorial Day service for May 29, 1989 at 1:00 P.M. at the Boston Common and the community is urged to attend.

Town Attorney Perley said he will contact the CPA who is conducting a final review of the records of the Boston Creative Playground Committee. The remaining funds from the project will be donated to form a Trust Fund, which can then be used for maintenance of the playground.

In a related matter, Highway Superintendent Kreitzbender was directed to remove the sign from the playground that was erected prior to the construction.

Tax Collector Carr submitted a report of the collection of 1989 Town and County taxes for the period to April 30, 1989 and reported that \$2,866,799.27, or a total of 94%, has been collected, with the books being returned to the County on July 1, 1989.

Town Attorney Perley said the formulation of the agenda for negotiations with Adelphia Cable is being made for the renewal of the franchise agreement, with a public hearing to be held prior to acceptance of the agreement. This agenda will include negotiations insofar as the addition of uncabled areas in town.

Councilman Lisowski directed Town Clerk Carr to inform Chet Jandzinski at the Erie County Department of Planning and Supervisor Ron Wendel of Concord that Richard Hauth, 9828 Boston State Road, has expressed interest in serving on the review committee for the Concord/Boston Agricultural District.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to appoint Dolores Seufert as Chairperson of the Senior Citizen Council, to replace Joseph Mertzluft, who resigned as Chairperson for personal reasons, term to expire December 31, 1989.

five (5) ayes

Carried

Councilman Wittmeyer reported that members of the Traffic Safety Committee inspected the area and interviewed residents relative to the request by Ernest Rauch, 8626 Feddick Road, for a lower speed limit. The committee will ask Erie County to install more signage in the area relative to blind grades, as they feel the County will not be receptive to a lower speed limit.

Councilman Wittmeyer reported that Loblaw, Inc., owner of vacant land on Boston State Road near Ripple Drive, will be contacted relative to a drainage problem that is causing problems for an adjacent property owner.

Councilman Zimmerman said he was contacted by Donald Hutchinson, 5710 Herman Hill Road, relative to a drainage problem in his area. Supervisor Kennedy said he is

aware of problems in the area, as he and Councilman Wittmeyer inspected an area on Woodland Drive that also has a drainage problem, which seems to stem from the Niagara Mohawk right-of-way lands and they will be contacted relative to it.

Councilman Zimmerman said the committee appointed to review a proposed amendment to the Zoning Ordinance which would require a site plan and a site plan review for all uses that require a building permit, other than for a farm or single-family dwelling, will make their recommendation at the June 7, 1989 meeting.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:53 P.M.



Joyce Carr
Town Clerk

Regular Meeting
June 7, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Clarence Kreitzbender.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Regular Meeting of May 17, 1989 be approved.

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy that the Town Clerk's Monthly Report be accepted.

five (5) ayes Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #6, June 7, 1989, in the amount of \$83,019.53 be paid.

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #6, June 7, 1989, in the amount of \$13,834.80 be paid.

five (5) ayes Carried

Received a letter from State Assembly Minority Leader Clarence D. Rappleyea, stating that an increase of \$4.4 million over last year's budget has been awarded for youth services. Supervisor Kennedy said the efforts of the state legislature to restore the youth funding is appreciated.

Received from the Erie County Clerk's Office notification that they filed on May 10, 1989 the Town of Boston Ambulance District Resolution.

Received notice that Ronald Kurzdorfer, 7468 Heinrich Road, was injured while playing at the Boston Creative Playground. Town Clerk Carr read a letter received from Cigna Company asking if the town has had prior written notice regarding the condition of the playground and a letter dated June 2, 1989, in which she replied that there has been no prior written communication relative to conditions at the site.

AMENDED RESOLUTION - WATER DISTRICT #1

Received a letter from the Erie County Department of Health, stating that an Approval of Plans has been issued for the Omphalius Road water extension.

Received a letter from Niagara Mohawk, which was in reply to a letter they received from Supervisor Kennedy, relative to drainage problems in the vicinity of Woodland Drive. This letter states that MCI Telecommunications Corporation plans to have crews in the area for cleanup and repairs to the powerline which occurred when MCI ran cable lines through the powerline right-of-way. Supervisor Kennedy said the debris, including cable spools, empty oil drums and small brush that was cut, compounded the flash flooding problem during a heavy rainstorm on May 31. Councilman Wittmeyer said he spoke with Roger Quimby of Niagara Mohawk this past week and he assured him he would speak with representatives of his company again about restoration work.

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to approve the Soil Removal Permit, not to exceed 600 cubic yards, of Gregory Gerwitz for property off Back Creek Road.

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to schedule Town Board meeting for the summer, as follows:

July 10, 1989 - Agenda Review - 7:30 P.M.
July 12, 1989 - Regular Town Board Meeting - 7:30 P.M.

August 7, 1989 - Agenda Review - 7:30 P.M.
August 9, 1989 - Regular Town Board Meeting - 7:30 P.M.

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule all Agenda Review meetings for the first meeting of the month for the remainder of 1989 at 7:30 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to direct Town Clerk Carr to respond affirmatively to the Erie County Agricultural Society's request for presentation of a special flag to commemorate the 150th Erie County Fair, which the town will fly the weeks before and during the 1989 Fair.

five (5) ayes

Carried

At 7:45 P.M. a Public Hearing was held on Amendments to the Zoning Ordinance of the Town of Boston. The Legal Notice was read by Town Clerk Carr and Supervisor Kennedy opened the hearing. Margaret Wilson, 6682 Hillcroft Drive, said that she and her husband are willing to drive 40 miles each way to work, as they love living in Boston and that if they wanted to live where there are doubles, they would live in Cheektowaga. Attorney Perley said the committee appointed by the Supervisor to review the proposed amendments reviewed records of the Assessor and Code Enforcement Officer and determined that nine duplex homes were constructed in 1989. This construction results in \$1 million in additional assessments to the town. He added that the building of nine doubles does not merit a moratorium as this does not show the construction is out of control, but it does reflect the need for planning insofar as architectural control and site plan approval. Attorney Perley also said that the committee recommends a checklist be prepared in conjunction with the building permit application and that referrals to the Planning Board of applications be set on a reasonable timetable, such as 60 days, so that the Planning Board has an adequate opportunity to assess the applications without unnecessarily delaying the processing for the builder. The committee also requests that they be given the opportunity to draft a further amendment to those they propose at this hearing. There were no further questions or comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the Public Hearing at 7:54 P.M.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to approve the Amendments to the Zoning Ordinance of the Town of Boston by the addition of a provision to Article VII, Section 9 - Site Plan Review, as outlined in the Public Notice, and that the appointed committee be authorized to further amend the ordinance in the future.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to authorize the Supervisor to sign an invoice for Snow Removal with Erie County for 1988-89, for 43.10 lane miles, a total cost of \$43,100.00.

five (5) ayes

Carried

A letter was received from Erie County Division of Highways relative to the signage request of Ernest Rauch, 8627 Feddick Road. Supervisor Kennedy said the town appreciates the county's review of this request and Councilman Wittmeyer said he has a list of the property owners and locations that was requested by the county so that they may further review the insufficient visibility complaint.

At 8:00 P.M. a Public Hearing was held to consider the adoption of a resolution pursuant to Section 467 of the Real Property Tax Law of the State of New York whereby certain tax exemptions up to 50 percent of assessed valuation may be granted to real property owners within the town of 65 years of age or over. Town Clerk Carr read the Legal Notice and the proposed expanded schedule. Supervisor Kennedy opened the public hearing and noted that whenever exemptions are allowed

PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENTS TO ZONING
ORDINANCE OF THE
TOWN OF BOSTON
 NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing on the 7th day of June, 1989 at 7:45 P.M., Eastern Daylight Saving Time, in the Town Hall of the Town of Boston, 8500 Boston State Road on the following proposed amendment to the Zoning Ordinance of the Town of Boston.

BE IT RESOLVED that the Zoning Ordinance of the Town of Boston be, and the same is hereby amended by adding the following provision:

ARTICLE VII Section 9
SITE PLAN REVIEW
 When required; Exceptions. Unless otherwise provided and as regulated by the Subdivision Regulations of the Town of Boston, site plan review and a site plan shall be required for all uses, buildings and structures that require a building permit or a certificate of zoning compliance under this ordinance and for which application therefor has been made to the Town of Boston, except for a farm or a single-family dwelling and their permitted uses, buildings or structures, prior to the issuance of a building permit or a certificate of zoning compliance.

The amendment to this Ordinance shall be effected as provided by law and shall be applicable to all applications or amendments to applications for building permits filed after the effective date of this Ordinance.
 Dated: May 11, 1989

Joyce Carr
 Town Clerk

on property taxes, naturally the difference must be picked up by the unexempted taxpayer, however, he feels that the Senior Citizens Exemption proposed schedule is fair to all property owners. There were no comments or questions on the proposed resolution.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to close the Public Hearing at 8:03 P.M.

five (5) ayes Carried

RESOLUTION - SENIOR CITIZEN PROPERTY TAX EXEMPTION

A motion was made by Sueprvisor Kennedy and seconded by Councilman Wohlhueter to authorize Assessor William H. Kleis, Jr. to attend a state-mandated course on land appraisal July 17-21, 1989 in Cattaraugus County in order to receive advanced certification; all costs will be reimbursed by New York State.

five (5) ayes

A Certificate & Notice of Highway Closure was received from Erie County Division of Highways, relative to the closure of Back Creek Road between Patchin Road and Hillcroft Drive from June 1 - June 5, 1989. The purpose of the closure was to replace a washed-out 72" culvert.

Supervisor Kennedy said the heavy rainfall last week was measured at between 3 1/2 to 4 inches and resulted in numerous flooded basements and damage to roads, road ditches and culverts. He commended the three fire departments in town, as well as the highway department crew, for working through the night to pump basements and provide other services to keep the flooded roadways passable. He directed the Town Clerk to write a letter of appreciation on behalf of the town to the three fire companies, expressing gratitude for their efforts.

Councilman Wittmeyer said that Back Creek Road is now open and passable, but is not in the best condition. He also talked of the tremendous damage the flash flooding caused in many areas of town, and especially to those properties on the hillside slopes, with debris, tires, brush, etc. washing down on to properties. He said that Pfarner Road is about gone and is open to local traffic only, with room for only one vehicle at a time to pass through. He mentioned a property on Chestnut Ridge Road, where a 50 foot culvert was washed right out and the owner's driveway is gone. He noted that many people now have damaged furniture, freezers, etc., plus the debris that was washed down from the hillsides and that a special pickup will be arranged, as many of these items will not be picked up in the weekly collection. He asked that anyone needing a special pickup of flood-damaged items to call the Town Hall and arrangements will be made to pick them up. Supervisor Kennedy said the Town Highway Department has been working on damage to Keller and Liebler Roads. Councilman Zimmerman said that the Hickory Drive culvert is plugged and Supervisor Kennedy directed Highway Superintendent Kreitzbender to clean out the Town Park Drive culvert near the new highway garage, also. Supervisor Kennedy said that debris from the flooding that is piled along the county roads is the responsibility of the Erie County Highway Department, and he hopes they will fulfill their obligation.

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to table until the next Town Board meeting the application of Gregory Gerwitz for a permit to construct an apartment building at 7456 Boston State Road, in order to have time to make a review of the application.

five (5) ayes Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to appoint Nancy Gonda as Youth Leader to the Boston Recreation Summer Program, at an hourly rate of \$7.00.

five (5) ayes Carried

Received notification from the State Comptroller that state revenue sharing funds in the amount of \$128,629.25 will be paid to the Town of Boston. Supervisor Kennedy said this amount is basically the same as ten years ago and that the Association of Towns will continue to lobby Albany for more aid, as the fiscal problems of the state are not attributable to the towns and villages.

LEGAL NOTICE
TOWN OF BOSTON
PLEASE TAKE NOTICE that the Town Board of the Town of Boston, Erie County, New York, on Wednesday, June 7, 1989 at 8:00 P.M. Eastern Daylight Saving Time, at the Boston Town Hall, 8500 Boston State Road, Boston, New York, will hold a public hearing to consider the adoption of a resolution pursuant to Section 467 of the Real Property Tax Law of the State of New York whereby certain tax exemptions up to 50 percent of assessed valuation may be granted to real property owners within the Town of Boston of 65 years of age or over, all in accordance with the provisions of Section 467 of the Real Property Tax Law.
At said public hearing all interested persons shall be given an opportunity to be heard on said subject.
Dated: May 11, 1989.
Town Board
Town of Boston
Joyce Carr
Town Clerk
5-18

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to refer to the Planning Board for review and recommendation the application for a building permit of William Garlock for a retail store and gasoline station at 8339 Boston State Road.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to appoint Caroline Burkard and Richard Sacilowski as members of the Senior Citizens Council, with terms to expire December 31, 1989.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy said that he has received a letter from several persons who are interested in serving on a committee for the volunteer care of the Boston Creative Playground and they listed several items that need to be taken care of at the present time. Town Attorney Perley contacted Committee Chairman David Nathan relative to the funds that are remaining since the completion of the project and Mr. Nathan said the books are being audited by an accountant at the present time and he expects the audit to be completed within 10 days, at which time the records, as well as the checkbook with the remaining funds, will be turned over to the town. Once the funds are turned over, a Trust Fund will be established for the maintenance and repair of the playground, with the town administering the funds. Supervisor Kennedy directed Highway Superintendent Kreitzbender to deliver a load of sand to the playground and to also remove the sign that was put up when the playground was being built. Attorney Perley will communicate with the Superintendent of Hamburg Schools relative to the request for a outdoor temporary restroom facility, in order to see if the school will be receptive to the request.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the Supervisor to prepare bid specifications for the sale of 1200 cubic yards of topsoil from the highway garage construction, with the stipulation that the person receiving the bid remove the topsoil within a one year period.

five (5) ayes

Carried

Supervisor Kennedy said that a letter will be directed to Erie County Division of Highways, relative to problems with debris being caught in pickets placed by the county, which plug the culverts at the Hofheins property on Abbott Road.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Joyce Carr as Marriage Officer for the Town of Boston, term to expire December 31, 1989.

five (5) ayes

Carried

Tax Collector's Monthly Report was received.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to give permission to the Patchin Volunteer Fire Company to use the Lions Shelter on Sunday, August 6, 1989 for a family picnic for members, with permission granted also to serve beer.

five (5) ayes

Carried

Town Justice Monthly Financial Report was received, which set a record of 19 pages and almost \$13,000.00 collected for the month of May, 1989.

Town Attorney Perley said the Southtowns Rural Preservation Company will close on their purchase of the League for the Handicapped property at the end of June, at which time the town will be able to complete their transaction for the purchase of a portion of the property.

Town Attorney Perley said he has had a preliminary meeting with representatives of Adelpia Cable relative to the renewal of the franchise agreement and another meeting will be scheduled in the near future.

Town Attorney Perley also reported that he will schedule a meeting with representatives of Joe Ball Sanitation for an Agenda Review, in order to discuss with the Town Board several concerns relative to the weekly pickup.

Councilman Wohlhueter asked that the county be notified to cut the high grass at intersections and noted that visibility is very limited at the corner of Eckhardt and Heinrich Roads.

Councilman Wittmeyer said he was contacted by Howard Griffey, 6556 Colonial Drive, relative to the long-standing problem with the steel piling in the creek at the Hillcroft Road bridge and Councilman Wittmeyer asked that the county be put on notice relative to the potential problem of washing out of the bridge due to the piling.

Councilman Wittmeyer reported that the first training session for the Jaws-of-Life operation was held recently. The training was by the Buffalo Fire Department and was attended by 24 persons. He also reported that Robert Keel, 6417 Kevinton Place, and a doctor from Springville's Chaffee Hospital Emergency Room have made donations for air bags used in conjunction with the Jaws-of-Life.

Councilman Zimmerman asked the status of the Glen McKillan property, 9296 Zimmerman Road, which has been cited for junk vehicles. Attorney Perley said he is in the process of refiling a motion for a Summary Judgment against Mr. McKillen.

Upon the request of Councilman Zimmerman, a motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant permission for his attendance at the New York State Supervisors and County Legislators Association meeting at Lake Placid on June 18-21, 1989, with all appropriate expenses to be paid by the town.

five (5) ayes

Carried

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Town Engineer Monthly Report was received.

Dog Control Officer Monthly Report was received.

Upon the recommendation of the Planning Board, a motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to approve the building permit application of Martin Barrett for a four foot roof overhang at 8038 Boston State Road.

five (5) ayes

Carried

A letter was received from the Planning Board, stating their June meeting will be held on Tuesday, June 20, 1989 at 7:30 P.M.

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



Joyce Carr
Town Clerk

TOWN OF BOSTON



AMENDED RESOLUTION

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 7th day of June, 1989 at 7:30 P.M. Eastern Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, a written petition dated February 28, 1989, in due form and containing the required signatures has been presented to and filed with the Town Board of the Town of Boston, Erie County, New York for the annexation of property situate in said town to Water District #1 in the said Town of Boston to be bounded and described as herein below set forth and identified as Exhibit A and made a part hereof; and,

WHEREAS, improvements proposed consist of the construction and installation of a water system to serve the annexed property including main waterline and such other pumping stations, valves and hydrants, including the acquisition of any lands and rights-of-way, therefore, in accordance with certain plans now on file in the office of the Town Clerk of the said Town of Boston; and,

WHEREAS, the petitioners have agreed to bear the expense of extending the waterline to serve the annexed property, excluding from such hydrant which at said cost will be borne by the Town of Boston Fire District; and,

WHEREAS, the Town Board of the Town of Boston duly adopted an Order reciting the filing of said petition, the improvements proposed, the boundaries of the said Extension to Water District Number One specifying April 5, 1989 at 7:45 P.M. of said date in the Boston Town Hall as the place where said Board would hear all persons interested in the subject thereof and concerning the same; and,

WHEREAS, a public hearing was held in the Town Hall of the Town of Boston, 8500 Boston State Road, on the 5th day of April at 7:45 P.M. of said date, to consider said petition and to hear all persons interested in the subject thereof, and all persons interested were heard;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Boston herein determines by this resolution:

(1) That, the notice of hearing was published and posted as required by law and is otherwise sufficient;

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

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5 NOES: 0 ABSENT: 0



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 7th day of June, 1989 at 8:00 P.M. Eastern Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Frank H. Lisowski, Jr.	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

WHEREAS, Section 467 of the Real Property Tax Law of the State of New York provides that after publication and public hearing, the Town Board of the Town of Boston may adopt a resolution granting certain tax exemptions for owners of real property within the Town of Boston, age 65 or over, who do not have a taxable income in excess of \$15,025.00 per annum; and,

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

NOW, THEREFORE, be it resolved that the Town Board of the Town of Boston, after public hearing, hereby grants to taxpayers within the Town of Boston, 65 years of age or over, exemption from real property taxation within the town, with taxable income as follows:

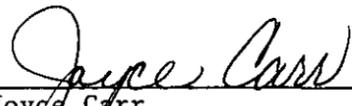
<u>Annual Income of Owner(s)</u>	<u>Percentage Assessed Valuation Exempt from Taxation</u>
\$12,025 or less	50%
More than \$12,025, but less than \$12,525	45%
\$12,525 or more, but less than \$13,025	40%
\$13,025 or more, but less than \$13,525	35%
\$13,525 or more, but less than \$14,025	30%
\$14,025 or more, but less than \$14,525	25%
\$14,525 or more, but less than \$15,025	20%

BE IT FURTHER RESOLVED, this resolution shall be in accordance with the provisions of Section 467 of said Real Property Tax Law and in compliance with the requirements therein specified as to the extent and the eligibility of said tax exemption, which is effective retroactive to June 1, 1989.

Motion was seconded by Councilman Lisowski and put to a vote, which resulted as follows:

Supervisor Kennedy	Voting	<u>aye</u>
Councilman Wittmeyer	Voting	<u>aye</u>
Councilman Zimmerman	Voting	<u>aye</u>
Councilman Wohlhueter	Voting	<u>aye</u>
Councilman Lisowski	Voting	<u>aye</u>

AYES: 5 NOES: 0 ABSENT: 0



Joyce Carr
Town Clerk

Regular Meeting
June 21, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Clarence Kreitzbender.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman the the Minutes of the Regular Meeting of June 7, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #6A, June 21, 1989, in the amount of \$31,024.14 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Highway Bills on Abstract #6A, June 21, 1989, in the amount of \$8,995.24 be paid.

five (5) ayes

Carried

Received and filed letter from New York State Department of Transportation relative to funding to be received by the town under the Consolidated Local Street and Highway Improvement Program (CHIPS).

Received notification from North Boston Fire Company of changes in their membership rolls.

Norman Pfeffer, 7681 Boston State Road, said there have been many vehicular accidents at his location over the years, of which some have been fatalities, and he asked for a speed reduction in the area. Supervisor Kennedy directed Town Clerk Carr to draft a letter, in conjunction with Councilman Wittmeyer, to the Erie County Division of Highways asking for their review and recommendations of possible solutions; if not a speed reduction, perhaps caution signs could be erected in the area.

Received a Special Permit from the Division of Highways for the Boston Highway Department, the North Boston Fire Company, Patchin Fire Company and Boston Fire Company for bridge crossings on Patchin Road, Trevett Road and Eckhardt Road. It was noted that the Special Permit does not include the Town of Boston Highway Department's travel over the Patchin Road bridge and Town Clerk Carr was directed to contact the Division of Highways to see if this was an oversight, as the town plows Patchin Road under a snowplowing contract with the county. Supervisor Kennedy stated that Patchin Road will be deleted from the contract with the county if the highway trucks can not travel across the bridge.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a Public Hearing on the use of Federal Community Development Funds for the 1989 allocation on July 12, 1989 at 7:45 P.M.

five (5) ayes

Carried

Received from Erie County a Notice of Determination of Non-Significance under the State Environmental Quality Review Act relative to modifications in the Eden-Boston Agricultural District. This Notice is on file in the Town Clerk's Office for anyone wishing to review it.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the Supervisor to sign a Worksite Agreement for job placement for the Erie County Summer Youth Program.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer to set a funding schedule for the purchase of a 1989 G.M.C. truck cab, chassis, body and hoist, as follows:

Bonding	\$30,000.00
Fund Balance	20,000.00
Machinery Budget	<u>13,040.00</u>
Total	\$63,040.00

five (5) ayes

Carried

SERIAL BOND RESOLUTION

BOND ANTICIPATION NOTE RESOLUTION

Referred to the Planning Board for review and recommendation the request of Robert and Carmela DeGrasse to rezone their property at 7935 Boston State Road from Residence Restricted Business RRB to Business B-1, as they would like to operate a gift shop in the barn on the property.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to make the following Correction of Abstract:

Voucher #252 - April 5, 1989

From:	SW-1-8340.4	\$2,560.00
To:	SW-1-8340.2	\$2,560.00

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to make the following Correction of Abstract:

Voucher #403 - June 7, 1989

From:	SF-3410.4	\$16,281.44
To:	SF-3410.4	\$ 8,281.44
	A-4540.4	\$ 8,000.00

five (5) ayes

Carried

The application of Gregory Gerwitz for a building permit to construct a three family apartment building at 7456 Boston State Road, as tabled from the June 7, 1989 meeting, was discussed. Roger Gerwitz, father of the applicant, said this building will be of frame construction, with a two foot roof overhang, which he stated will not infringe on the setback requirements of the zoning ordinance. He said there is no reason to remove the foundation wall and reconstruct it, as the foundation is adequate and he will certify as a Professional Engineer that the footing already in place is completely adequate for a three family apartment unit, which is a one floor plan. Supervisor Kennedy said a motion was passed at the May 17, 1989 Town Board meeting that the foundation wall, which was constructed without a building permit, be torn down and Town Attorney Perley stated that the town can compel Mr. Gerwitz to take down the wall with legal action instituted against him.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to table the application for permit of Gregory Gerwitz for a three-family apartment building until July 12, 1989; and if the existing foundation wall is not removed by July 12, 1989, legal action for compliance will be commenced.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to refer to the Planning Board for review and recommendation the request of Gregory Gerwitz for a facade on his existing building at 7440 Boston State Road.

five (5) ayes

Carried

Received notification from the New York State Department of Transportation, per the town's request, that the speed limit on Valley Circle Lane and Heinrich Road, between Zimmerman Road and the Route 219 Expressway, will be reduced to 35 mph, effective when the proper signs have been installed by the town highway department.

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to appoint and set salaries of the following Summer Recreation Staff for 1989:

<u>Name</u>	<u>Position</u>	<u>Salary</u>
Jill Wohlhueter	Recreation Supervisor	\$6.50/hr.
Cathy Boltz	Asst. Rec. Supervisor	\$4.20/hr.
Michelle Riederer	Asst. Rec. Supervisor	\$4.50/hr.
Jennifer Rosinski	Arts & Crafts Director	\$3.50/hr.
Michael Brinkerhoff	Recreation Aide	\$4.00/hr.
Christopher Zemrac	Recreation Aide	\$3.60/hr.
Bryan Kreiger	Recreation Aide	\$3.70/hr.
Steve Pallotta	Recreation Aide	\$3.65/hr.
Michelle Errington	Recreation Aide	\$4.00/hr.
Brian Wittmeyer	Recreation Aide	\$3.55/hr.

Michele Bates	Recreation Aide	\$3.55/hr.
Julie Wolfer	Recreation Aide	\$3.55/hr.
Kristen Hornberger	Recreation Aide	\$3.80/hr.
Lisa Zelasko	Recreation Aide	\$3.50/hr.
Sean Forney	Recreation Aide	\$3.40/hr.
Jackie Russell	Recreation Aide	\$3.40/hr.
Alison Becker	Recreation Aide	\$3.40/hr.

five (5) ayes

Carried

Town Clerk Carr read a letter received from Recreation Director Remy Orffeo, stating that previously appointed Recreation Supervisor Nancy Gonda has accepted another job, as has Michele LeRoy, whom he previously requested be appointed as Recreation Aide.

Received a letter from John Falkides, requesting a meeting with the Town Board relative to the annual license fee and Town Board inspection of the Boston Hills Mobile Home Park. Attorney Perley said he will contact Mr. Falkides to arrange a meeting prior to the July 12 Agenda Review session of the Town Board.

Received a letter from Erie County Department of Emergency Services, certifying that six men from the Patchin Fire Company have completed a New York State Fire Police Training Course.

Upon the request of Daniel Genzel, Patchin Fire Company Chief, a motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to appoint the following as Fire Police:

Mark Brock	Dick Chambers
Rodney Roll	Paul Whittemore
Bob Pfluger	

five (5) ayes

Carried

RESOLUTION - CONSOLIDATION OF ELECTION DISTRICTS FOR REGISTRATION DAYS

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to grant permission to the Boston Chamber of Commerce to use the Lions Shelter for a "Concert in the Park" on Sunday, August 27, 1989 from 2:00 - 5:00 P.M.; and also permission to use the Community Room in case of rain.

five (5) ayes

Carried

Supervisor Kennedy said he today received notification from New York State Division of Equalization and Assessment that Sam W. Ware, Jr. did not attend the annual training required of the Real Property Tax Law, therefore he can not participate in the determination of complaints presented to the Assessment Board of Review at their July meeting.

Supervisor Kennedy said he received notification that the Erie County Division of Highways will receive bids on July 6, 1989 for repair of the Trevett Road bridge and also a bridge on the Springville-Boston Road in the Town of Concord.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to appoint Michael O'Brien as Laborer PT for the summer months at \$3.55 per hour.

five (5) ayes

Carried

Supervisor Kennedy said he attended a Board of Managers Sewer District #3 meeting this date, at which time the feasibility of including Aspen and Pin Oak Drive properties in the district was discussed. He will report again on this matter when a final cost analysis is determined.

Received a letter from the Planning Board, stating their next scheduled meeting will be held on Tuesday, July 11, 1989.

The Planning Board submitted a letter relative to their review of the request of Lake Erie Transportation Co. for a 200 foot tower on Cole Road. This letter recommends denial of the request for the tower.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a Public Hearing for July 12, 1989 at 8:00 P.M. on the request of Lake Erie Transportation Co. for a permit to construct a 200 foot tower on Cole Road.

five (5) ayes

Carried

Received a letter from the Planning Board requesting the Town Board at this time

adopt the entire Site Plan Review that is proposed to be included in the new codification.

Town Attorney Perley said the committee appointed by the Supervisor to draft legislation relative to regulation of two-or-more family dwellings has two additional recommendations.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to schedule a public hearing for July 12, 1989 at 7:50 P.M. on the two additional amendments to the ordinance.

five (5) ayes

Carried

Highway Superintendent Kreitzbender requested a meeting with the Town Board relative to setting a schedule for increments in the salary structure of the Highway Department employees. A meeting will be scheduled with Supervisor Kennedy, Councilman Wittmeyer and Superintendent Kreitzbender prior to the Town Board meeting on July 12, 1989.

Town Attorney Perley said he has discussed with the Hamburg Schools Superintendent the placement of a portable latrine at the Creative Playground site at Boston Valley Elementary School and is awaiting a reply relative to the location of the latrine, at which time he will notify Town Clerk Carr to order it from the distributor.

Town Attorney Perley also said he has not yet received a final accounting of the funds remaining in the Creative Playground account, but will contact David Nathan and follow up this matter.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to grant permission to the residents of Pinecrest Terrace to close a portion from 4657 to 4725 Pinecrest on Saturday, July 15, 1989 from 1:00 P.M. to 12:00 Midnight for their 20th annual block party. Town Clerk Carr will send notices of this road closing to the police agencies, fire department and rescue squad.

five (5) ayes

Carried

Councilman Wittmeyer requested Town Attorney Perley to research the traffic manual to see if a "Stop Ahead" sign was ever installed near the intersection of Eckhardt and Taylor Roads.

Councilman Wittmeyer said the signs are all in place which designate "Old Pfarner Road".

Councilman Wittmeyer stated he has contacted a representative of the installer for the pipeline along the Niagara Mohawk right-of-way for MCI Telecommunications relative to restorative work adjacent to Woodland Drive and this work will begin when the weather permits.

Roger Gerwitz said that he and Gregory just discussed the Town Board's motion earlier in this meeting and they have decided they will comply with the Board's wishes and will tear down the existing wall, which they erected without a building permit. They also wish to proceed at this time with their Application for Permit for a three-family apartment building on the site.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to rescind the earlier motion to table this matter until July 12, 1989.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to refer to the Planning Board for their review and recommendation the Application for a three-family apartment building of Gregory Gerwitz at 7456 Boston State Road.

five (5) ayes

Carried

Legislator Karl Henry said he received a telephone call from a resident of Zenner Road, requesting a lower speed limit and he will review this matter. Mr. Henry also apologized to the town for the delay of the county in reviewing the matter of the weight load of bridges in the town. Supervisor Kennedy said the Board appreciates Mr. Henry's efforts on behalf of the town and said he will direct the letter relative to the highway trucks crossing the Patchin Road bridge to Mr. Henry, and stated that, if they are not allowed to cross, they will not plow Patchin Road this winter.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to adjourn at 9:08 P.M.

Joyce Carr
Joyce Carr
Town Clerk

TOWN OF BOSTON



BOND ANTICIPATION NOTE DATED JUNE 21, 1989 FOR THE ISSUANCE AND SALE OF A BOND ANTICIPATION NOTE OF THE TOWN OF BOSTON, NEW YORK IN ANTICIPATION OF THE SALE OF SERIAL BONDS FOR THE PURCHASE OF ONE (1) 1989 G.M.C. TRUCK CAB, CHASSIS, BODY AND HOIST.

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall in said Town of Boston on the 21st day of June, 1989 at 7:30 P.M. Eastern Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Don A. Wohlhueter	Councilman
	Frank H. Lisowski, Jr.	Councilman

Absent: None

Councilman Wittmeyer presented the following resolution and moved its adoption:

BE IT RESOLVED by the Town Board of the Town of Boston, Erie County, New York, as follows:

1. For the purpose of paying the cost of one (1) 1989 G.M.C. Truck with Cab, Chassis, Body and Hoist, in accordance with proceedings heretofore taken by the Town Board of said town, are hereby authorized to be issued a \$30,000.00 Bond Anticipation Note of said town.

2. Specific reference is hereby made to a resolution entitled "Serial bond resolution of June 21, 1989, authorizing the issuance and sale of serial bonds of the Town of Boston, New York", which resolution authorized the bonds in anticipation of the sale of which the Note hereby authorized is to be issued.

3. The amount of bonds to be issued for the aforesaid object or purpose is \$30,000.00 and such bonds shall be serial bonds.

4. The amount of the Bond Anticipation Note to be issued is \$30,000.00. Such Note shall be dated June 23, 1989 and shall be numbered No. 1 and shall mature June 22, 1990, bearing interest at the rate not exceeding 7.0 percent per annum, payable at maturity. Such Note shall be signed by the Supervisor of said town and attested by the Town Clerk of said town, and both principal of and interest on said Note shall be payable in lawful money of the United States of America at the Boston Town Hall, 8500 Boston State Road, Boston, New York or such other address designated on said Note. Such Note shall be substantially the form as the copy of said Note hereto annexed.

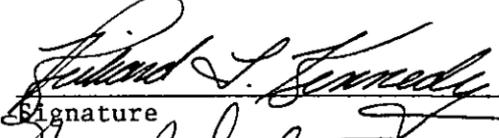
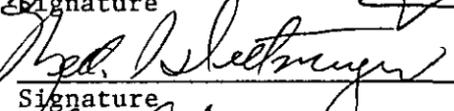
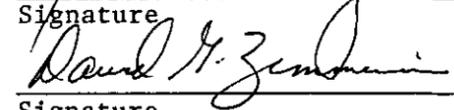
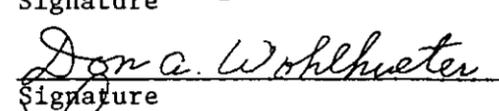
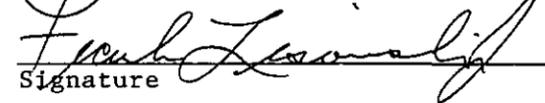
Said Note shall be payable from the proceeds derived from the sale of said bonds or otherwise redeemed in the manner provided by Section 23.00 of the Local Finance Law. The faith and credit of said town are hereby irrevocably pledged for the payment of said Note and interest thereon.

5. There are no bond anticipation notes outstanding which have been previously issued in anticipation of the sale of said bonds. Neither is the note hereby authorized a renewal note. The period of maturity of such note is herein above set forth. Such note is not issued in anticipation of bonds for an assessable improvement.

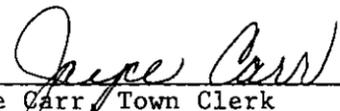
6. The Supervisor of the Town of Boston is hereby authorized to sell said Note at private sale at not less than par and accrued interest; and when said Note shall have been duly executed and sold, the same shall be delivered to the purchaser upon payment of the purchase price to the Supervisor and the receipt of the Supervisor shall be a full acquittance to said purchaser who shall not be obliged to see to the application of the purchase money.

7. This Resolution shall take effect immediately.

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

Supervisor Kennedy	Voting	<u>aye</u>	 Signature
Councilman Wittmeyer	Voting	<u>aye</u>	 Signature
Councilman Zimmerman	Voting	<u>aye</u>	 Signature
Councilman Wohlhueter	Voting	<u>aye</u>	 Signature
Councilman Lisowski	Voting	<u>aye</u>	 Signature

AYES: 5 NOES: 0 ABSENT: 0



Joyce Carr Town Clerk
Town of Boston

TOWN OF BOSTON



SERIAL BOND RESOLUTION DATED JUNE 21, 1989

At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Town Hall in said Town of Boston on the 21st day of June, 1989 at 7:30 p.m. Eastern Daylight Saving Time, there were:

Present:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Frank H. Lisowski	Councilman
	Don A. Wohlhueter	Councilman

Absent: None

Supervisor Kennedy presented the following resolution and moved its adoption:

WHEREAS, the Town Board of the Town of Boston, New York, by a resolution duly adopted on the 15th day of March, 1989, and pursuant to Section 103 of the General Municipal Law, duly accepted an offer and authorized the purchase of one (1) 1989 GMC Truck with cab, chassis, body and hoist, at a total cost of \$63,040.00, and it is provided that the sum of \$33,040.00 of such cost was to be paid from existing funds and the balance of \$30,000.00 of such cost was to be paid from the proceeds of obligations to be issued, pursuant to the Local Finance Law.

NOW, THEREFORE, BE IT RESOLVED,

1) The specific object or purpose for which obligations are to be issued, pursuant to this resolution, is to finance the cost of said 1989 GMC Truck with cab, chassis, body and hoist.

2) The maximum cost of such vehicle is \$63,040.00, as required by the terms of the proposals of \$63,040.00, and the plan of financing of such cost is as follows:

The sum of \$33,040.00 to be provided from the current funds now available in the Highway Budget and General Fund and the balance of the cost is to be provided by the issuance of separate Serial Bonds in the total amount of \$30,000.00, consisting of one (1) bond in the annual amount of \$30,000.00, pursuant to this resolution.

3) The following determinations are hereby made:

A) The period of probable usefulness of such vehicle is at least five (5) years.

B) The subdivision of Paragraph "A" of Section 11.00 of the Local Finance Law is applicable in the circumstances, is Subdivision "29".

C) The proposed maturity of the obligations authorized by this resolution will not be in excess of five (5) years.

4) That the Town of Boston, Erie County, New York, issue

its serial bonds in the amount of \$30,000.00 to finance such cost in accordance with the financial plan set forth above. Such bonds shall be dated approximately as of the date of the delivery of such machinery and apparatus and the power to fix and determine the exact date of such bonds is hereby delegated to the Supervisor.

5) Such bonds shall be in the total amount of \$30,000.00 and shall mature on June 22, 1990. The bond shall bear interest at a rate not exceeding 7.0 percent annum. Payments of such interest shall be evidenced by notation thereon on the bonds at the time of payment. The bond shall be substantially in the form of the proposed bond which is attached hereto and made a part hereof of this resolution.

6) The Supervisor is hereby delegated the power to prepare such bonds and to sell such bonds at private sale at not less than par and accrued interest, and at such sale to fix the interest to be borne by such bonds within the limitations set forth in this resolution. The Supervisor shall deliver such bond to the purchase thereof only against cash or a certified check. The proceeds of sale of the bond shall be deposited in a special bank account, as required by Section 165.00 of the Local Finance Law and the powers delegated to the Supervisor by this resolution shall be exercised in the conformity with the provisions of the Local Finance Law.

7) This resolution shall take effect immediately.

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

Supervisor Kennedy Voting aye

Richard J. Kennedy
Signature

Councilman Wittmeyer Voting aye

Bill J. Wittmeyer
Signature

Councilman Zimmerman Voting aye

David J. Zimmerman
Signature

Councilman Lisowski Voting aye

Paul Lisowski
Signature

Councilman Wohlhueter Voting aye

Don A. Wohlhueter
Signature

AYES: 5

NOES: 0

Joyce Carr
Joyce Carr, Town Clerk
Town of Boston

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, in said town on the 21st day of June, 1989 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

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

BE IT RESOLVED, that the Town Board of the Town of Boston, Erie County, New York, requests the Erie County Board of Elections to permit the consolidation of Boston's seven (7) Election Districts into one district at the Boston Town Hall, 8500 Boston State Road, Boston, New York for the purpose of registering voters on October 7, 1989 and October 12, 1989.

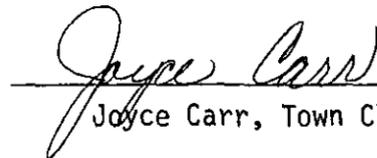
Seconded by Supervisor Kennedy and duly put to a vote, which resulted as follows:

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk

Regular Meeting
July 12, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Clarence Kreitzbender.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Regular Meeting of June 21, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy that the General Fund and Special District Bills on Abstract #7, July 12, 1989, in the amount of \$102,865.29 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #7, July 12, 1989, in the amount of \$23,147.59 be paid.

five (5) ayes

Carried

Received a letter from Erie County Department of Public Works relative to the allocation of funds to the Western New York region for the local bridge program. Supervisor Kennedy said he contacted Mel Kase at the County Highway Department and Mr. Kase said he did not believe that there were any bridges in the town that will be eligible for this funding. Supervisor Kennedy added that the Patchin Road bridge will be undergoing remedial work starting this fall.

Timothy Dinse, 7146 Boston State Road, said he has a problem with an adjoining property owner who has thirteen bee hives near his property line. Mr. Dinse said he has asked the neighbor, Casper Faulring, if he would move the hives to another location on the property, as he has been stung by the bees and fears his young children will also be stung, however, Mr. Faulring is not willing to move them. Councilman Wittmeyer said he inspected the area with Mr. Dinse and agrees there is a problem, even though Mr. Dinse erected a plastic shield in his attempt to keep the bees from flying onto his yard. Attorney Perley said that the state has taken over beekeeping regulations from the towns, but he will research the law and contact Mr. Dinse relative to this problem.

Clayton Speidel, 9690 Trevett Road, said he and his neighbor Bradley Stumpf were present at the meeting to ask the town's assistance because they experienced problems with flooding conditions in last month's heavy rains. They live on a private drive, approximately 400 feet from Trevett Road that parallels another private drive and during the storms flooding washed out the private roads and debris, which was packed in the culvert, was spread over the properties. The debris included tires, railroad ties, skids and metal products. A bridge that he installed a few years ago was damaged and is now eroding. He said the problems have increased since the construction of the Route 219 Expressway. Supervisor Kennedy said he will inspect the area and review the matter with the Town Attorney prior to the next Town Board meeting to see what legal recourse is available in this difficult situation.

At 7:45 P.M. a public hearing was held regarding the use of Community Development funds in the town. Town Clerk Carr read the Legal Notice and Supervisor Kennedy opened the hearing for comments and suggestions. He said the Town Board has discussed the possibility of using the funds for a walkway on county land between B-Kwik Market and the senior citizen housing in North Boston and also the possibility of renovating the sidewalks in the hamlet of Boston. He said previously these funds have been used for projects such as the library renovation, sewer tap-in fees for low income residents and drainage projects. There were no comments or questions from anyone present.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 7:54.

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 July 12, 1989 at 7:45 P.M., Eastern Daylight Saving Time 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 in the amount of \$2,984.00.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects or programs to meet those needs, particularly projects which would benefit low and moderate income persons in the Town of Boston.

Supervisor Kennedy said a decision on the use of the Federal Community Development Funds will be made at a future meeting.

At 7:56 P.M. a public hearing was held on proposed amendments to the Zoning Ordinance of the Town of Boston. The Legal Notice was read by the Town Clerk and Supervisor Kennedy opened the hearing by asking Town Attorney Perley to outline the proposed amendments. Attorney Perley said that Agricultural A-1 zoning would remain in effect for farming purposes, however, the uses that are other than farming in an Agricultural A-1 district are better suited to a Residence R-3 district, such as a two-family dwelling, which would require a five acre minimum lot size in an Agricultural A-1 district. This amendment would not effect single-family homes and the minimum lot area would remain the same for this type dwelling. Mr. Perley displayed a copy of the town's zoning map, which showed that most of the town is in the Agricultural A-1 zoning. He said that in order to protect the interest of all citizens in Boston, this amendment would promote more orderly development. He also explained that if someone wanted to construct a two-family home in an Agricultural A-1 district without five acres, a rezoning to Residence R-3 could be applied for, along with site plan approval by the Town Board.

Ronald Smith, 6203 Wildwood Drive, asked if any permits for two-family dwellings in an Agricultural A-1 district are pending. Code Officer Kramer said there were none that he was aware of. Mr. Smith said he thought this was a good improvement of the ordinance and he would encourage its passage.

Rudy Blesy, 9953 Trevett Road, said he has paid taxes for many years on his land and that he does not think the town should tell him what use he makes of the land. Supervisor Kennedy said all property owners pay taxes and that rules on land use make for orderly growth of the town.

Werner Blesy, 9885 Trevett Road, said he thought the farmers were being penalized because of the multiple dwellings constructed in town.

Robert Emerling, 9814 Trevett Road, asked about the Concord-Boston Agricultural District and when the finalization of the newly reviewed map would take place. He said he realizes these issues are not the same, however, farmers would have to pull out of the Ag District if they developed their land. He also asked how the figure of five acres was arrived at and Attorney Perley said the five acre minimum is in the Hamburg Ordinance.

Conrad Koch, 7374 Lower East Hill Road, asked if a single-family dwelling would be required to have five acres in Agriculture zoning. Mr. Perley said this would only apply to two-family dwellings.

Kenneth Schunk, 10143 Trevett Road, said the Town Board is "downing" duplexes, which have added a lot of assessment to the tax rolls. He stated that five acres per duplex is a lot of land and that 4 1/2 acres of that will be overgrown and covered with junk. He would like to leave the land use up to the homeowner and gave an example of his son building a home on the grandfather's land.

Ed Zittel, 4812 North Boston Road, asked if the property could still be sold if it is rezoned to R-3.

Ann Schunk, 10143 Trevett Road, asked if anyone could give an example of a five acre plot in the valley. Attorney Perley said the vacant land across from the State Police Barracks is an example. Mrs. Schunk also asked who would mow the whole five acres of land that would be required. She also said she did not think that many farmers want two-family homes.

Citizens are urged to attend this meeting to make known their views and/or written proposals on Town of Boston's selection of projects to be funded 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.

Dated: June 23, 1989

Richard L. Kennedy
Supervisor

6-29

Town of Boston

**PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENTS TO ZONING
ORDINANCE OF THE
TOWN OF BOSTON**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing on the 12th day of July, 1989, at 7:50 P.M. Eastern Daylight Saving Time, in the Town Hall of the Town of Boston, 8500 Boston State Road on the following proposed amendment to the Zoning Ordinance of the Town of Boston.

BE IT RESOLVED that the Zoning Ordinance of the Town of Boston be, and the same is hereby amended as follows:

Section 1: In Article VII, Section 9 by deleting the word "and" between the phrases "site plan review" and "a site plan" and by adding after the phrase "a site plan" the phrase "and building permit approval by the Town Board."

Section 2: By amending the Table of District Regulations under Agricultural A1 minimum lot sizes for Dwellings to "5 acres for a two family dwelling."

The amendment to this ordinance shall be effective as provided by law and shall be applicable to all applications or amendments to application for building permits filed after the adoption of this ordinance.

Dated: June 23, 1989

Joyce Carr
Town Clerk

6-29

Veneard Neri, 8951 Zimmerman Road, said he feels the town is in the right direction by proposing this amendment and that making zoning more restrictive increases the value of the property; he has no objection to the amendment.

Harold Emerling, 9804 Trevett Road, said he thought five acres was an extreme amount and added that there is no guarantee the Town Board will rezone a parcel from Agricultural A-1 to Residence R-3 when it is requested.

Roy Emerling, 6867 Pinoak Drive, asked how many duplex units were constructed in Agricultural zoning in the last two years. Supervisor Kennedy said the records would have to be researched to get this answer.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to close the public hearing at 8:40 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to table the public hearing on proposed amendments to the Zoning Ordinance until the August 9, 1989 Town Board meeting; if anyone wishes to make further comment on the proposed amendments, they should contact a member of the Town Board prior to this date.

five (5) ayes

Carried

Earl Henry, Director of the Erie County Agricultural Society, presented a 150th Anniversary commemorative flag of the Erie County Fair to Supervisor Kennedy and requested it be flown from now through the fair dates in August. Mr. Henry said each town in the county will receive a flag in honor of the 150 years of the fair.

At 8:44 P.M. a Public Hearing was held on the request of Lake Erie Transportation Company, Inc. for a Special Use Permit for the purpose of constructing and operating a two hundred foot radio tower on property approximately 2600 feet east of Cole Road, north of Wohlhueter Road. Town Clerk Carr read the Legal Notice, a letter from the Planning Board recommending denial of this application and a reply from Erie County Division of Planning stating they make no recommendation on this request. Supervisor Kennedy opened the public hearing.

Reed Garver, 8368 Lower East Hill Road, said that when the 60 foot tower was erected eighteen months ago, he objected to the permit due to the visual impact on the east hill. He feels that if a wrong business decision on the height was made, the town should not have to bail out this wrong decision.

Myron Pufpaff, 7659 Wohlhueter Road, also agreed that the existing tower has an adverse visual impact and that Boston should not be known as a town of towers.

John Hamlett advised he was an attorney representing Mr. Bauer, President of Lake Erie Transportation and that the company is presently investigating alternative ways to secure better radio communications and that engineering studies are being made. He said at this time his client would like to withdraw the application for a Special Use Permit to construct a 200 foot radio tower, without prejudice. Attorney Perley said that under town law, there is a constitutional obligation to give every application a hearing, which would apply even if an application was denied. With this assurance, Attorney Hamlett said the application for a Special Use Permit would be withdrawn, without prejudice, at this time.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to close the public hearing at 8:49 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to accept the withdrawal of the application for a Special Use Permit of Lake Erie Transportation Company, Inc. for the purpose of constructing and operating a two hundred foot radio tower on property approximately 2600 feet east of Cole Road, north of Wohlhueter Road; with the applicant's right to reapply for a Special Use Permit again in the future.

five (5) ayes

Carried

LEGAL NOTICE

TOWN OF BOSTON

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board of the Town of Boston, Erie County, New York at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 12th day of July, 1989 at 8:00 P.M. Eastern Daylight Saving Time, for the purpose of considering the application of Lake Erie Transportation Company, Inc. for a Special Use Permit for the purpose of constructing and operating a two hundred foot radio tower on property approximately 2,600 feet east of Cole Road, north of Wohlhueter Road.

At the time and place above noted, all persons interested in the matter will be heard for or against the above application.

Dated: June 23, 1989

Joyce Carr, Town Clerk
Town of Boston

6-29

Ronald Smith, 6203 Wildwood Drive, requested that representatives from the Highway Department inspect the creek bed bank on the corner of Wildwood Drive and Boston State Road, as it may need shoring up since damage was done to it by the recent flooding. He also asked that the guardrail be inspected to ascertain it is secure in this area. Supervisor Kennedy said this inspection will be made.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to accept the Erie County Legislature resolution on the transfer of Patchin Road to the town and a portion of Rice Road to Erie County, to be effective on August 1, 1989.

five (5) ayes

Carried

Received notification from Erie County Division of Highways of a Certificate of Abandonment of Town Highway, in the matter of proceedings for the qualified abandonment of a portion of Polish Hill Road, beginning at a point 880 feet west of the intersection of Back Creek Road, running westerly to the Route 219 Expressway.

Received a petition that was signed by 42 residents of Pin Oak and Aspen Drive which requested road improvements and additional street lighting. Supervisor Kennedy referred to Councilman Lisowski the matter of the street lighting for his review. Supervisor Kennedy said he will send a letter to these residents in conjunction with a letter he planned on the proposal of the Erie County Sewer District to extend sewer lines on Pin Oak and Aspen Drive. Mr. Kennedy said that temporary repairs to these streets can be made, pending a decision on sewer installation, due to the cutting of the roads if sewers are installed.

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to appoint Theresa Bradl and Lori Metzger to replace appointed summer recreation workers Kristin Hornberger and Michelle LeRoy, as they have other employment, with an hourly rate of \$3.40. The salary of Michelle Riederer was adjusted to \$4.72 an hour. All appointments and salaries are to be retroactive to July 5, 1989.

five (5) ayes

Carried

Received from New York State Office of State Comptroller acknowledgement of receipt of amended order of the Town Board relative to the Omphalius Road Extension of Water District #1. This extension will service the Alois Kopczynski property.

Received notification from the Southtowns Planning and Development Group that they passed a resolution authorizing payment of \$1,194.00 for the town to the Erie and Niagara Counties Regional Planning Board to assist in assuring accurate and complete census counts in the 1990 federal census. Councilman Zimmerman contacted Larry Bartz at the Erie County Division of Planning and told him the town already paid this amount and Mr. Bartz said that they will reimburse the town for the expended monies.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize Highway Superintendent Kreitzbender to order one John Deere 544E loader, with optional equipment, at state price, with delivery not to be made until the 1990 fiscal year.

five (5) ayes

Carried

RESOLUTION - SUPPORT OF AMENDMENT TO CONSTITUTION PROHIBITING DESECRATION OF THE AMERICAN FLAG

A letter was read from Highway Superintendent Clarence Kreitzbender, stating he has decided to retire effective July 31, 1989. Superintendent Kreitzbender has been employed in the Highway Department since 1951 and has been Highway Superintendent since 1975. Supervisor Kennedy said he has had the opportunity since 1978 to work with Clarence in his capacity of Highway Superintendent and that he is a dedicated public servant who has maintained the highways in some of the most difficult terrain in Erie County in superb fashion. He added that the whole town will miss him as their Highway Superintendent. Councilman Wittmeyer said he wanted to thank Clarence for his faithful service and hoped to have an opportunity to spend time with him now on the golf course. Councilman Wohlhueter thanked Mr. Kreitzbender also and said his sentiments are the same as the other members of the Town Board. Councilman Zimmerman said he had the opportunity to work closely with Clarence when he was Supervisor and he wishes him the best of luck. Councilman Lisowski said he has been a Councilman only 18 months, but reiterated what everyone said about Clarence's attributes and he wishes him the best in his retirement. Superintendent Kreitzbender said that it has been a pleasure working with the

Town Board, Town Hall Staff, Town Attorney Perley and former Town Attorney Charles Maxwell. He added that his crew at the Highway Department are an asset to the town, as they are a real working crew.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to accept with regret the resignation of Highway Superintendent Clarence Kreitzbender, effective July 31, 1989; and to make an interim appointment of Highway Crew Chief Eugene Ruchalski to the position of Highway Superintendent, effective August 1, 1989.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to accept, upon the recommendation of the Town Engineer, the Thornwood Drive waterline extension.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter for a wage increase of 50 cents per hour to Highway Department MEO Jerry Krencik, retroactive to July 1, 1989.

five (5) ayes

Carried

Supervisor Kennedy said that amendments may be formulated for the Highway Department rules and they will be discussed at the August Town Board meeting.

Supervisor Kennedy said he attended a Board of Sewer Managers meeting this date and tentative rates for the 1990 year reflect a slight reduction.

Supervisor Kennedy directed Town Clerk Carr to write a letter to Recreation Director Remy Orffeo, asking him to return to the Town Hall a computer that is town property, so that the inventory update may be completed.

Supervisor Kennedy said he is appointing a Creative Playground Core Committee, consisting of the Boston Valley School Principal, Maintenance Superintendent, Councilman Lisowski, Councilman Wohlhueter, Town Attorney Perley and himself, who will chair the committee at this time. Supervisor Kennedy said he plans on appointing four more members to the committee at a future date and that the committee is being created in order to administrate the funds that are remaining from the playground project.

Tax Collector's Monthly Report was received and Tax Collector Carr said the tax rolls have now been returned to the Erie County Commissioner of Finance.

Town Justice Monthly Financial Report was received.

Councilman Wittmeyer reported that the State Department of Transportation recently cleaned the culverts in the area of the Creekside Subdivision.

Councilman Wittmeyer also said notification has been received from the county that they will install additional signage in the area of 8655 Feddick Road, such as "Blind Grade" signs.

Councilman Zimmerman said that a meeting is scheduled for Friday, July 14, 1989 between himself, Town Attorney Perley and two representatives of Adelpia Cable, in conjunction with the renewal of the cable contract.

Councilman Zimmerman said there is a broken swing at the Creative Playground.

Councilman Wittmeyer reported that the jaws-of-life was utilized on both July 10 and July 12 in vehicular accidents and that 50 people attended a training session on the use of the jaws equipment on July 11.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Town Engineer Monthly Report was received.

Dog Control Officer Monthly Report was received.

A letter was received from the Planning Board, stating that they plan on meeting on the second and fourth Tuesdays of each month at 7:30 P.M. in the downstairs Conference Room.

Upon the recommendation of the Planning Board, a motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to approve the application for a facade on the business building at 7440 Boston State Road of Gregory Gerwitz.

five (5) ayes

Carried

Upon the recommendation of the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve the application of Gregory Gerwitz for a three-family apartment building at 7456 Boston State Road; including the stipulation of Councilman Lisowski that the construction comply with the New York State Building Code and that the applicant "dresses up" the plainness of the front of the building and has landscaping on the property.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 9:32 P.M.



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, in said town on the 12th day of July, 1989 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

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

WHEREAS, Since the birth of this nation our fellow citizens have often been called upon to take up arms to defend this nation in the cause of Freedom; and

WHEREAS, the American flag has always symbolized this ideal of freedom upon which this Nation was built and has historically and rightfully been treated with respect and admiration by our fellow Americans; and

WHEREAS, While the freedom of expression protected by the First Amendment is important it should and must be curtailed by common sense, good judgement and practical limitations;

THEREFORE BE IT RESOLVED, That this body fully and completely expresses its support for the proposed Constitutional Amendment giving the individual states the power to pass laws making the burning and other desecration of our Nations Flag illegal;

AND FURTHER BE IT RESOLVED, That the town clerk immediately dispatch a copy of this resolution to our Congressman, both Senators and the Governor of this State in hopes of persuading them to take immediate action to outlaw this type of abhorrent behavior which is not only a slap in the face of all loyal and patriotic Americans but especially to our veterans who have risked and often given their lives so that our great flag may continue to fly freely.

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

Supervisor Kennedy

Voting aye

Councilman Wittmeyer

Voting aye

Councilman Zimmerman

Voting aye

Councilman Wohlhueter

Voting aye

Councilman Lisowski

Voting aye

AYES: 5

NOES: 0

ABSENT: 0

Joyce Carr
Joyce Carr, Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 12th day of July, 1989 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:

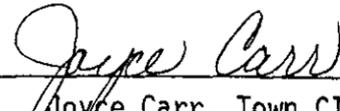
RESOLVED, that the Town Board of the Town of Boston does hereby accept the waterline extension on Thornwood Drive, Town of Boston and

FURTHER RESOLVED, that Kandy Company, Inc., contractor on the Thornwood Drive Water Line Extension carry a Performance Bond in the amount of Twenty-four Thousand Eight Hundred Ninety-Eight and 80/100 Dollars (\$24,898.80) for a period of one (1) year from date of acceptance of the Thornwood Drive Waterline Extension.

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

Supervisor Kennedy	Voting	aye
Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Wohlhueter	Voting	aye
Councilman Lisowski	Voting	aye

AYES: 5 NOES: 0 ABSENT: 0


Joyce Carr, Town Clerk

Regular Meeting
August 9, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Interim Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Regular Meeting of the July 10, 1989 be approved.

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the Town Clerk's Monthly Report be accepted.

five (5) ayes Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #8, August 9, 1989, in the amount of \$83,643.27 be paid.

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #8, August 9, 1989, in the amount of \$39,229.16 be paid.

five (5) ayes Carried

Received and filed letter from the Town of Cheektowaga relative to their Sesqui-centennial Bicycle Race, which will be held Sunday, August 13, 1989.

Received resolutions from the towns of Hamburg and Clarence relative to snow removal contracts with Erie County.

RESOLUTION - SNOW REMOVAL CONTRACT WITH ERIE COUNTY

Received a Summons with Complaint in the matter of Palmer vs County of Erie and Town of Boston.

Received a Summons with Notice in the matter of Hayes vs. Town of Boston and others. Attorney Perley said this is relative to an accident that occurred on Route 219 in the Town of Concord and that the Town of Boston is not connected in any manner to this claim, therefore it is a frivolous lawsuit and it is totally unjustifiable to continue to name the Town of Boston as a defendant. The attorney for the plaintiff was notified when the Notice of Claim was filed that there was no basis in naming the Town of Boston in the lawsuit. Supervisor Kennedy directed Mr. Perley to notify the attorney for the plaintiff that this lawsuit should be terminated immediately or the matter will be dealt with severely.

Received an Erie County Parks Recovery Action Plan Executive Summary, which includes the implementation of nature trails and parking at the Boston Forest Park which are projected to occur during the years of 2002 - 2005. Supervisor Kennedy directed Town Clerk Carr to write a letter to Erie County Department of Environment and Planning stating the town is supportive of the planned action at Boston Forest Park, but would like to see the time frame updated.

A letter was received from Robert B. Keel of the Boston Emergency Squad concerning changes in the EMT/Intermediate course in New York State, which will effectively be the end of volunteer ambulance service in the town, as it will force the volunteers out and necessitate paid ambulance service. Supervisor Kennedy said he shares these concerns and said that he, Councilman Wittmeyer and Councilman Zimmerman will work with Mr. Keel to formulate a resolution to the director of the New York State Department of Emergency Medical Services, with copies being sent also to our State Senator and Assemblyman.

Timothy Dinse, 7146 Boston State Road, asked if the Town Board has considered any solution to his problems with his neighbor's beehives. Attorney Perley said that any local law that would be adopted by the town would not be retroactive for a given period of time but he is in the process of reviewing legislation concerning the keeping of beehives and he will report at the next Town Board meeting on his findings. Councilman Wittmeyer said that he was willing to talk to the neighbor to ask his cooperation in moving the hives to a different location on the property and Supervisor Kennedy directed Town Clerk Carr to write to General Codes and ask for information they may have on legislation dealing with restrictions on beekeeping.

Gail Orffeo, 6530 Fairlane Drive, presented a petition, which was signed by 64 residents, asking that the Town Board prevent the construction of a duplex at the end of Redwing Drive and they not allow a duplex on every street corner. She also read two letters that also asked not to allow any more duplex construction.

Randy Burgwardt, 5686 Herman Hill Road, said he has been a resident for 15 years and asked the Town Board to study the problems of duplex construction, which he said is out-of-hand.

Rick Saylor, 6686 Redwing Drive, said he is also against duplex construction and added that he would like the Town Board to change the restrictions.

Patricia Hacker, 8702 Maplelawn Drive, said they moved to Boston last fall and are astounded at the amount of duplex dwellings built since that time and that she feels the one proposed for the corner of Redwing Drive was only turned down because she and her husband attended the Zoning Board hearing on the matter. Councilman Lisowski said he has spoken with Mrs. Hacker relative to this property and explained that a duplex was allowable under the Residence-Restricted Business zoning of the property. Patricia Maxwell said she, as attorney for the owner, represented him at the Zoning Board hearing and that the Zoning Board turned down the application for a variance of the minimum lot area for the construction of a duplex on the corner of Redwing Drive and Boston State Road.

Supervisor Kennedy said the Town Board has interviewed Eugene Ruchalski and reviewed his 21 years experience, with the past 14 as Foreman, of the Highway Department and due to his expertise and qualifications, Supervisor Kennedy made a motion, which was seconded by Councilman Wohlhueter, to appoint Eugene E. Ruchalski to the position of Highway Superintendent, term to expire December 31, 1989; appointment to be retroactive to August 1, 1989.

five (5) ayes

Carried

A letter was read from the Planning Board, recommending approval of the application and site plan of William Garlock for a retail store with gasoline pumps at 8339 Boston State Road, contingent that a drainage receiver be included on the site plan; security lights on the south side of the building have deflectors; and that consideration be given to a recommendation from the Patchin Fire Company concerning some form of barrier defining the lot line between the properties. A letter was also read from Patchin Volunteer Fire Company stating that a four foot high chain link fence would be sufficient for a barrier. A letter was read from Architect Ronald W. Bugaj, stating that he understands a special use permit will be required for the gasoline pumps and asking that the consideration of a special use permit be a separate item from the approval of the site plan for the store. Mr. Bugaj, who was present at the meeting, submitted an updated site plan, which included the items the Planning Board requested and stated that the developer has decided to use thermo-block masonry units in the construction of the store. The blocks will be white scored split-face units, with a contrasting band that is not scored and an awning will be installed. He added that the name of the store will be E-Z Shop.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to approve the building permit of William Garlock for a retail store at 8339 Boston State Road, contingent that the developer is in compliance with the building code and sign ordinance; and to schedule a public hearing for the Special Use Permit request for gasoline pumps for Wednesday, September 6, 1989 at 7:45 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to authorize the Supervisor to sign the 1990 Fire Dispatch Agreement with the Town of Hamburg.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to grant the request of Patricia J. Hacker to hold the annual registration of the Boston Valley Girl Scouts on September 9, 1989 at the Lions Shelter and Community Room of the Town Hall.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize the Supervisor to apply for state aid for Youth Service Recreation

and Youth Initiative Program.

five (5) ayes

Carried

Supervisor Kennedy said the Town Engineer contacted the Kandey Company, Inc. relative to topsoil and seeding remedial work on the property of Good Shepherd Lutheran Church and this work is now progressing. Supervisor Kennedy made a motion, which was seconded by Councilman Wittmeyer, to approve the payment of \$22,703.86 to Kandey Company, Inc. for the waterline extension on Thornwood Drive.

five (5) ayes

Carried

Supervisor Kennedy said that, since the waterline extension on Thornwood Drive was on the agenda, he would like to take this opportunity to respond to charges that were made last week in a letter distributed to town residents by Gail Orffeo, a candidate for Town Councilman in this year's primary election. Mrs. Orffeo's letter stated that the Town Board has neglected the issue of extending public water into areas that are not serviced, while at the same time they spent \$24,898.80 for water on Supervisor Kennedy's street. Mr. Kennedy said that no monies have been expended this year on Thornwood Drive to provide water to his home, as the water line has been on his street for more than 12 years, and he still uses well water. The money that was spent on Thornwood Drive was necessary to provide water for the recently constructed homes on the corner of Boston State Road and to close an open loop in the present system, as requested by the Erie County Water Authority. Mr. Kennedy said that under town law, special district revenues can only be used to benefit the properties in which they are collected, in this case, Water District #1. Mr. Kennedy also addressed the allegations of Mrs. Orffeo that the Town Board has failed to address the critical issue of water on the east hill by stating that in 1974 the homeowners in that area voted not to become part of the water district and that was at a time when federal grant monies were available. Since that time the need for water has increased with new construction in the area and the Town Board has actively pursued the creation of a new water district. Grant monies were allocated to perform preliminary work on the project and whenever funds become available from either state or federal sources, this work will be ready to commence. Supervisor Kennedy said he has never interjected politics into the proceedings of the Town Board for the seven years he has been Supervisor, however, he takes personal affront to anyone charging that this critical concern has been put on the back burner and that the facts have been unjustifiably distorted. He asked Mrs. Orffeo for a public apology in this matter.

Mrs. Orffeo replied that she did not owe Mr. Kennedy an apology, as the intent of the letter was not to state the Supervisor installed water on his own street instead of the areas in town that need it. She added that people she has spoken with say that public water is of great concern to them and that the Supervisor should let the people know that they are working on this problem.

Received and filed a letter from Representative Bill Paxon relative to the recent resolution from the town on the flag desecration decision of the Supreme Court.

Received a Complaint from Walter Filkorn about loud music from the Valley View Inn on Saturday nights from 10:00 P.M. - 4:00 A.M. Mr. Filkorn said the music can not be heard when the doors and windows are closed and he is asking that they remain closed, as air conditioning has been installed. Supervisor Kennedy directed Code Enforcement Officer Dennis Kramer to investigate this complaint and to also talk with the State Police Officer who answered a complaint made by Mr. Filkorn.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to refer to the Planning Board for review and recommendation the application of Randy Barker, 7380 Boston State Road, for a permit to erect a warehouse on his property.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to direct Town Clerk Carr to notify Gregory Gerwitz that the Business B-1 designation of his rezoned property at 7456 Boston State Road will be removed and redesignated to RRB Residence-Restricted Business, as the current use of the rezoned property is a permitted RRB use.

five (5) ayes

Carried

Received a letter from Wilford C. Saunders, 7097 Taylor Road, relative to the intersection of Taylor and Eckhardt Roads and asking for action to remedy the problem of speeding and not stopping at the stop sign on Taylor Road. Councilman Wittmeyer said the Traffic Safety Committee has been working for several years on

these problems and in 1987 succeeded in having the county reduce the speed, however, they denied the request to install a four-way stop sign. Mr. Wittmeyer added that he also knows the county will deny installing a flashing light at this intersection, but perhaps will consider a guard rail to protect the properties at these corners.

Councilman Wittmeyer said he spoke with Sgt. Mesi at the State Police Barracks and was told that 20 summonses were issued in a week for speeding in this area and they will keep a patrol car in the area two or three days a week. Mr. Wittmeyer said that they will again petition the county for a "Stop Ahead" sign and for a clear view of the intersection, some of the trees on private properties may have to be cut down. Councilman Wohlhueter said he agrees that a "Stop Ahead" sign, as well as a clear site line, along with guard rails on the properties at the corners may rectify the problems in the area.

Upon the request of Tax Collector Joyce Carr, a motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to authorize Mrs. Carr to collect 1989-90 Hamburg School taxes at the Town Hall, for which she will pay to the town the sum of \$500.00.

five (5) ayes

Carried

Supervisor Kennedy said he is appointing the following people to the Creative Playground Committee:

Gordon Blomquist, School Principal
 Mike Mandiville, School Maintenance
 Michael Perley, Town Attorney
 Barbara Wagner
 Judy Gutekunst
 David Nathan
 Lee Pfarner, Building & Grounds Supervisor
 Dennis Kramer, Code Enforcement Officer
 Frank Lisowski, Jr., Liaison to Town Board

Supervisor Kennedy said a meeting has been scheduled for August 30, 1989 at which time the audit findings will be reviewed and the issue of restrooms at the playground will be discussed.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to authorize Supervisor Kennedy to deposit an insurance dividend check in the amount of \$4,409.00 from the town's commercial package policy into the Insurance Risk Retention Fund.

five (5) ayes

Carried

Upon the recommendation of the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to approve the applications of Alfons and Glen Wetzl for the construction of two duplex houses on vacant property between 7272 and 7288 Boston State Road.

five (5) ayes

Carried

A letter was received from the Planning Board recommending the property at 7935 Boston State Road be rezoned from Residence-Restricted Business RRB to Business B-1 on the condition that a retail business be developed within the confines of the existing building on the property. Supervisor Kennedy asked Attorney Perley to prepare a legal opinion on why this action would not be considered spot zoning. A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a public hearing for September 6, 1989 at 8:00 P.M. on the rezoning request.

five (5) ayes

Carried

Received notification from the Boston Valley Elementary School that the creative playground will be closed the week of August 7-11, 1989 as removal of asbestos in the school roof will be done at that time.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to authorize Town Clerk Carr to advertise for bids for a highway fuel island and storage tank, with bids to be opened September 6, 1989 at 8:20 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make the following Correction of Highway Abstract #7, July 12, 1989:

Voucher #194

Rucker Lumber, Inc.
From: \$230.85
To: \$330.47

Total Abstract Increased
From: \$23,147.59
To: \$23,247.21

five (5) ayes

Carried

Diane Helmbrecht, 9752 Lango Road, submitted a petition with 158 signatures, requesting Federal Community Development funds be used for a walkway between the Boston Square Apartments and the B-Kwik shopping area. Supervisor Kennedy thanked Mrs. Helmbrecht for her efforts in obtaining these signatures and said the Town Board feels this is an excellent use for a portion of these funds. Mrs. Helmbrecht said she would like to see the walkway be handicap-accessible. Supervisor Kennedy said this project will go to bid after he has the Town Engineer specifications.

RESOLUTION - FEDERAL COMMUNITY DEVELOPMENT GRANT

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to adopt the Amendments to the Zoning Ordinance of the Town of Boston that were discussed at a public hearing on July 12, 1989, with the following revision:

Section 2: By amending the Table of District Regulations under Agricultural A1 minimum lot sizes for Dwellings to "3 acres for a two family dwelling."

five (5) ayes

Carried

Upon the recommendation of Town Attorney Michael Perley, it was determined that the extension of an island at the Mobil Station on the corner of Routes 277 and 391 does not require a building permit application.

A letter of complaint was received from Mr. and Mrs. A. Lindstrom, 7315 Woodland Drive, relative to the noise of a windmill from an adjoining property. Town Clerk Carr was directed to contact the Lindstroms and advise them this problem has been rectified by the owner securing the windmill so that it no longer turns and makes noise.

Received information from Erie County Division of Highways that Abbott Road, from Route 219 to Boston State Road, will be a restricted highway due to reconstruction of this road, effective August 4, 1989 to completion.

RESOLUTION - OPERATION LIFESAVER RAIL-HIGHWAY SAFETY AWARENESS WEEK

Supervisor's Monthly Financial Report was received.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to authorize the Supervisor to contract with Alp Steel Corp. to install a steel stairway, at a cost of \$3,177.00 and pipe rails on the mezzanine, at a cost of \$2,377.00, at the new highway garage.

Supervisor Kennedy directed Town Clerk Carr to draft a letter to the Erie County Water Authority stating that the condition of the Brown Hill Road water tank warrants repairs or renovations and painting and to request they place funds for this item in their 1990 budget.

Town Justice Monthly Financial Report was received.

Highway Superintendent Ruchalski reported that the telephone system at the highway garage is not working and due to the strike by New York Telephone Co. employees, he is unsure when it will be repaired.

Attorney Perley reported the final accounting of the Creative Playground fund monies will be completed approximately September 1 and copies of this audit will be given to each Town Board member.

Councilman Lisowski said he has reviewed the request of residents of Pin Oak and Aspen Drive for street lighting in the area and requested Town Clerk Carr to contact New York State Electric & Gas Corp. for a cost estimate to install street lighting in that area.

Town Clerk Carr said there will be a surplus food distribution at the Town Hall on Thursday, September 21, 1989, starting at 9:00 A.M.

Town Justice Monthly Financial Report, in the amount of \$21,050.99, consisting of 20 pages, was received.

Timothy Dinse, 7146 Boston State Road, said he had his property surveyed and the new survey showed that some of the beehives kept by his neighbor, Casper Faulring, were on the Dinse property. He said that Mr. Faulring is in the process of relocating the hives at this time. Attorney Perley said he will draft legislation for presentation to the Town Board, which would require a Special Use Permit for the keeping of bees in an Agricultural A-1 zoning.

Councilman Wittmeyer said Melvin Kase of the Erie County Division of Highways contacted the Town Clerk with information that the brush at the intersection of Taylor and Eckhardt Roads would be cut and that additional signage possibly would be erected, however, as of this date this has not been done. He asked Town Clerk Carr to contact Mr. Kase once again on this matter.

Councilman Wittmeyer also reported that a resident of Park Drive asked for a "Children at Play" sign and a traffic reduction in that area. He noted that "Children at Play" signs are not considered for use on residential streets in subdivisions. In conjunction with this request, he proposed that the Traffic Safety Committee make a study of all subdivisions in town as to the suggested speed and post the signs accordingly when the review is completed.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Town Engineer's Monthly Report was received.

Dog Control Officer Monthly Report was received and also a copy of the Dog Shelter Compliance Report made by the New York State Department of Agriculture and Markets, which gives the dog shelter a satisfactory rating and noted that both the shelter and the records are in good order.

A letter was received from Sam W. Ware, Jr., resigning from the Assessment Board of Review. Supervisor Kennedy directed Town Clerk Carr to write Mr. Ware a letter of appreciation for his service on this Board.

Notification was received from the Planning Board stating they are cancelling their September 12 meeting, due to Primary Day.

Received a letter from Garry E. Tank, stating he will be unable to honor his recent appointment to the Planning Board, due to another commitment on Tuesday evenings.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to adjourn at 9:08 P.M. in memory of Nelson Endress, a former Town of Boston Supervisor and Town Clerk, who passed away recently.



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 9th day of August, 1989 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

WHEREAS, each of the 25 Towns in Erie County has a contract with the County of Erie for snow removal and ice control of certain County Roads within the various Towns, and

WHEREAS, the contract price per lane mile has remained unchanged for the past several years at \$1,000.00 per lane mile despite the increase in costs to the Towns, and

WHEREAS, this contract is not a grant to the various Towns, but a means of paying for or reimbursing the Towns for actual expenses incurred by the Towns for snow removal and ice control that the County would otherwise have to do itself, and

WHEREAS, this snow removal and ice control is a County responsibility and expense, and failure to pay the Towns a sum closer to the actual expenses forces local town taxpayers to absorb the extra expense and in effect to subsidize the County of Erie, and

WHEREAS, the County of Erie requires the Towns to indemnify and hold harmless the County for the work performed, then the County should increase the price paid to the Towns to reflect the actual costs incurred and the exposure to potential liability, and

WHEREAS, the Erie County Association of Town Superintendents of Highways has surveyed their members and calculated the actual average cost per lane mile for road snow removal and ice control to be \$2,139.66, and

WHEREAS, the County of Cattaraugus currently pays its towns the sum of \$1,300.00 per lane mile based on a 100 trip season, and if the season goes over the 100 trips, the towns get paid an additional average cost per trip, and

WHEREAS, the Erie County Association of Town Superintendents of Highways has unanimously passed a resolution seeking an increase in the rates of \$300.00 per lane mile for each of the next three years of the snow removal and ice control contract with the County, that is, \$1,300.00 for the 1989-1990, \$1,600.00 for the year 1990-1991, and \$1,900.00 for the year 1991-1992, and

WHEREAS, the Erie County Association of Local Governments has also voted unanimously to support this resolution seeking an increase in rates as outlined and approved by the Erie County Association of Town Superintendents of Highways.

NOW, THEREFORE, BE IT RESOLVED, that the Boston Town Board hereby supports the increase in rates in the snow removal and ice control contract in the amount of \$1,300.00 for the year 1989-1990, \$1,600.00 for the year 1990-1991, and \$1,900.00 for the year 1991-1992, and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to County Executive Dennis Gorski; Chairman of the Erie County Legislature, Roger I. Blackwell; Majority Leader, Leonard E. Lenihan; Minority Leader, Mary Lou Rath and to Legislator Karl Henry.

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

Supervisor Kennedy

Voting aye

Councilman Wittmeyer

Voting aye

Councilman Zimmerman

Voting aye

Councilman Wohlhueter

Voting aye

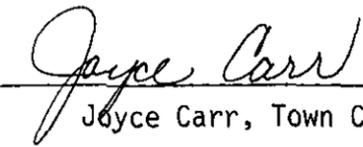
Councilman Lisowski

Voting aye

AYES: 5

NOES: 0

ABSENT: 0



Joyce Carr, Town Clerk

Councilman Wohlhueter asked about the dumping of construction materials, tires, etc. on the Powerline off Liebler Road. Supervisor Kennedy directed Highway Superintendent Ruchalski to pick up the debris at this time and directed the Town Clerk to notify property owners on the Powerline that if they see anyone dumping debris to notify her.

Councilman Wittmeyer said a resident of Willow Drive has requested a speed limit sign be installed and also a "Children at Play" sign. Mr. Wittmeyer said that "Children at Play" signs are not allowed in subdivisions. He said there has also been a request for a "Bump" sign on Boston State Road near Wildwood Drive.

Councilman Zimmerman said he has been requested by residents of the Boston Square Apartments to notify the county to cut the brush to the north of the property in order to provide a clear site for cars exiting the complex and asked Town Clerk Carr to write this letter.

Councilman Wittmeyer asked Town Clerk Carr to contact New York State Electric & Gas Corp. to install orange balls on the electric lines running from Boston State Road to the new highway garage for the benefit of Mercy Flight helicopters in landing at the police barracks.

Councilman Zimmerman reported on a meeting held with representatives of Adelpia Cable in franchise renewal discussions and stated Adelpia has agreed to extend cable service on Pfarner Road (between Back Creek and Tillen), Tillen Road, West Hill Road and Wohlhueter Road. These lines will be extended at no cost to the residents, but at a cost of \$26,924.00 to Adelpia Cable. Councilman Zimmerman also said he has contacted Jones Intercable, Inc. and TCI of New York, Inc. regarding television cable service in the town. A motion was made by Councilman Zimmerman and seconded by Supervisor Kennedy to schedule a public hearing for September 20, 1989 at 8:00 P.M. for a cable television presentation.

five (5) ayes

Carried

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Town Engineer's Monthly Report was received.

Dog Control Officer Monthly Report was received.

Attorney Perley stated he will draft a letter to Board of Assessment Review member Sam Ware to ask if he wishes to retain his membership on the Board, as he did not complete the necessary school and therefore did not qualify for this year's hearings.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to appoint Garry Tank to the Planning Board, term to expire February 1, 1994.

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to adjourn at 9:26 P.M.



Joyce Carr
Town Clerk

TOWN OF BOSTON



PROCLAMATION

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 9th day of August, 1989, at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

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

WHEREAS, numerous railroad crossing accidents occurred needlessly throughout the State of New York during the year 1988, and

WHEREAS the New York State Operation Lifesaver Committee has instituted its "3-E" program involving engineering, education, and enforcement to reduce railroad crossing accidents, and

WHEREAS, through active publicity the Operation Lifesaver Committee hopes to make the general public aware of its program and more safety conscious,

NOW, THEREFORE I, Richard L. Kennedy, Supervisor of the Town of Boston, New York, in concert with the Governor of the State of New York, hereby proclaim the week of August 27 through September 2, 1989, as OPERATION LIFESAVER RAILROAD/HIGHWAY SAFETY AWARENESS WEEK in the Town of Boston, New York.

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

Supervisor Kennedy	Voting	<u>aye</u>
Councilman Wittmeyer	Voting	<u>aye</u>
Councilman Zimmerman	Voting	<u>aye</u>
Councilman Wohlhueter	Voting	<u>aye</u>
Councilman Lisowski	Voting	<u>aye</u>

AYES:

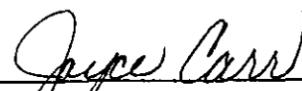
5

NOES:

0

ABSENT:

0


Joyce Carr, Town Clerk

Regular Meeting
September 6, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Minutes of the Regular Meeting of August 9, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #9, September 6, 1989, in the amount of \$12,502.49 be paid.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #9, September 6, 1989, in the amount of \$31,797.10 be paid.

five (5) ayes

Carried

Received report of examination by the Office of the State Comptroller; this summary of the recent state audit will be on file in the Town Clerk's Office.

Received a letter from the Division of Equalization and Assessment stating that Assessor William H. Kleis, Jr. has been awarded the designation of State Certified Assessor, a distinction achieved by only 368 out of 1,809 assessor positions in the state. Supervisor Kennedy said this is a validation of the expert qualifications Mr. Kleis possesses for the job of Assessor and that the Town Board is proud of his accomplishments.

Received resolutions from eight Erie County towns in support of memorializing the County of Erie to increase the lane mileage rate paid for removal of snow and ice from certain county roads. Also received a letter from Legislator Mary Lou Rath, supporting the Town of Boston resolution in this matter.

Received a Notice of Petition in the matter of New York Telephone Company vs. the Town of Boston for a review of the 1989-90 tax assessment.

Sharon Filkorn, 6466 Patchin Road, complained that the noise from adjacent Valley View Inn is excessive on Saturday nights from 10:00 P.M. - 4:00 A.M. when they have a band and that her son is being kept awake every Saturday night by the noise. Supervisor Kennedy asked if the windows were kept closed and she said they were not always, only when she goes in to complain or the State Police ask the owner to close them. Code Enforcement Officer Dennis Kramer said he made an inspection of the property last Saturday evening and did not feel the noise was excessive and that he also spoke with the State Police who investigated the several complaints that Mrs. Filkorn has made and that they also feel the noise was not excessive. Town Attorney Perley advised Mrs. Filkorn she could bring an action before the Town Justice if she believes there is a violation of the noise ordinance. Supervisor Kennedy said that he, the Code Enforcement Officer and Councilman Wittmeyer will make an unannounced visit to the Valley View Inn within the next couple Saturdays, at which time they will take decibel readings of the noise level so that it can be determined if there is a violation of the ordinance.

At 7:45 P.M. a Public Hearing was held on the application of William Garlock for a Special Use Permit to construct gasoline pumps at 8339 Boston State Road. Town Clerk Carr read the Notice of Public Hearing and noted that Erie County Division of Highways, Erie County Division of Planning and property owners in the vicinity were notified of this hearing. The Erie County Division of Planning replied they have no recommendation on the application. Supervisor Kennedy

opened the hearing. Attorney Perley said that, in accordance with the Zoning Ordinance, a Special Permit is required for a gasoline station for the sale of fuel and lubricants, even though the owner, William Garlock, has previously been granted approval by the Town Board to construct a store on the property. Duane Brock, President of the Patchin Fire Company, said they have no objection to the construction of gasoline pumps, however they do request that a four foot high chain link fence be erected between the property boundaries and that bulk delivery of gasoline be banned between the hours of 5:00 P.M. and Midnight on Friday evenings, due to the large number of persons attending the Friday evening Bingo games at the fire hall. Donald Palmer, 136 Miriam Avenue, Buffalo, who owns property at 8341 Boston State Road, said he objects to the pumps being installed, as it will have a detrimental affect on traffic in the area. He also said he is not happy with the store either, but realizes that approval has been granted for it. He said he owns other properties that have a store adjacent and there is usually debris on his property and added that he had no problem when the restaurant was on this location. He said he would like to see a six foot high stockade fence erected by Mr. Garlock between their two properties. Ron Bugaj, Architect for Mr. Garlock, said that fences on both the north side and the south side of the property are part of the site plan that was previously approved, and he would like the opportunity to discuss with members of the fire company and representatives from the town the type of fence that will be used. Peter Glor, a spokesman for the gasoline supplier, said there will be no problem with banning delivery of fuel on Friday evenings between 5:00 P.M. and Midnight. There were no further comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the Public Hearing at 8:05 P.M.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Supervisor Kennedy to approve the application of William Garlock for a Special Use Permit to construct gasoline pumps at 8339 Boston State Road, contingent that a mutual agreement is made with Patchin Fire Company for a fence along the property lines and that fuel delivery be banned from 5:00 P.M. - Midnight on Friday evenings.

five (5) ayes

Carried

At 8:00 P.M. a Public Hearing was held on the request of Robert and Carmella DeGrasse to rezone their property at 7935 Boston State Road from Residence Restricted Business RRB to Business B-1. Town Clerk Carr read the Public Notice and stated that notification of this request was forwarded to the New York State Department of Environmental Conservation, Erie County Commissioner of Highways, Erie County Division of Planning and property owners in the vicinity. Erie County Division of Planning replied they have no recommendation on this request. A letter was read from the Planning Board, recommending the rezoning of the property, contingent that a retail business be developed within the confines of the existing building.

Supervisor Kennedy opened the hearing and requested Town Clerk Carr to read the legal opinion of the Town Attorney that the rezoning of this property does not constitute spot zoning.

Councilman Wittmeyer said he has been asked why there are three meters on the front of the barn. Mr. DeGrasse said these meters were in place when he purchased the barn and they are now being replaced by one meter. Mr. Wittmeyer also noted that the driveway has been excavated and asked Mr. DeGrasse his plans for ingress and egress. Mr. DeGrasse said that he is willing to have the driveway go around the building and have ingress one way and egress the other way. Supervisor Kennedy said he

TOWN OF BOSTON
NOTICE OF PUBLIC HEARING
 NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York on Wednesday, September 6, 1989 at 7:45 P.M. Eastern Daylight Saving Time, to consider the application of William Garlock for a Special Use Permit to construct gas pumps at 8339 Boston State Road.

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

By order of the Town Board of the Town of Boston, New York.

Dated: August 14, 1989

8-24 Joyce Carr
 Town Clerk

PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENT TO THE
ZONING ORDINANCE AND
ZONING MAP OF THE
TOWN OF BOSTON

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing on the 6th day of September, 1989 at 8:00 P.M. Eastern Daylight Saving Time in the Boston Town Hall, 8500 Boston State Road, Boston, New York on the petition and request of Robert and Carmella DeGrasse to rezone the following described property, which is presently zoned Residence Restricted Business RRB to Business B-1 under the Zoning Ordinance of the Town of Boston, said property being described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Boston, County of Erie and State of New York, being part of Lot Number fourteen (14), Township eight (8), Range seven (7) of the Holland Land Company's Survey, described as follows:

BEGINNING at a point of intersection of the middle line of said Lot Number fourteen (14), Township eight (8), Range seven (7) and the northeasterly line of Hamburg-Springville Road, sixty-six (66) feet wide; thence northwesterly along the northeasterly line of Hamburg-Springville Road, sixty-six (66) feet wide, one hundred nine (109) feet to a point; thence northerly along the easterly line of said Hamburg-Springville Road as widened by Notice of Appropriation, Map Number 74, Parcel Numbers 77, 78, and 79 recorded in Erie County Clerk's

feels the exit from the property should be from the north side of the barn, as it would have a clearer site than from the south side. There were no more questions or comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to close the public hearing at 8:16 P.M.

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant the request of Robert and Carmella DeGrasse to rezone property at 7935 Boston State Road from Residence Restricted Business RRB to Business B-1 under the Zoning Ordinance of the Town of Boston, contingent that the egress from the parking area be to the north of the barn, there be no exit to the south of the barn, and that all parking be to the rear of the premises. This rezoning is also to be contingent that there are no sales of perishable or non-perishable food items and that the sales space be limited to 1400 square feet.

five (5) ayes Carried

At 8:20 P.M. sealed bids were received for furnishing all tools, equipment, materials and labor for the installation of a fuel island and storage tank, including appurtenances and related work for the installation of a fuel island and storage tank for the highway garage. There were no bids received on this project.

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to readvertise for bids for the installation of a fuel island and storage tank at the highway garage; bids to be opened at 10:00 A.M. on September 25, 1989 in the Supervisor's Office.

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make the following Correction of Abstract #8 - General Fund - August 9, 1989:

Voucher #580 - Erie Co. Dept. of Finance

From: A7550.4	\$40.00
To: A7550.4	\$45.00

Voucher #599 and Voucher #600

From: SF3210.4	
To: SF9040.8	

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to make the following Correction of Abstract #8 - Highway Fund - August 9, 1989:

Voucher #234 - Saia Communication Corp.

From: DA5130.4	\$657.25
To: DA5130.2	\$495.00
DA5130.4	\$162.25

Voucher #243 - Lamb & Webster, Inc.

From: \$61.27	
To: \$64.27	

Office in Liber 9001 of Deeds at pages 73 and 267, north 12° 53' 47" east, sixty-three (63) feet more or less to a monument, thence northwesterly along the northeasterly line of said Hamburg-Springville Road as widened by aforesaid Notice of Appropriation north 4° 39' west, one hundred five and forty-six hundredths (105.46) feet to a point; thence southeasterly, three hundred thirty-three and seventh-four hundredths (333.74) feet to a point on the southwesterly line of lands conveyed to the Buffalo and Susquehanna Railroad Company by deed recorded in said Clerk's Office in Liber 995 of Deeds at page 123, one hundred ninety (190) feet northwesterly from the point of intersection of said southwesterly line of lands conveyed to the Buffalo and Susquehanna Railroad Company by aforesaid deed and the middle line of said Lot Number fourteen (14), Township eight (8), Range seven (7); thence southeasterly along the southwesterly line of lands conveyed to the Buffalo and Susquehanna Railroad Company by aforesaid deed, one hundred ninety (190) feet to the middle line of said Lot Number fourteen (14), Township eight (8), Range seven (7); thence westerly along the middle line of the said Lot Number fourteen (14), Township eight (8), Range seven (7) and the south line of lands conveyed to William G. Lehning and Irene S. his wife by deed recorded in said Clerk's Office in Liber 4320 of Deeds at page 452, three hundred fifty-two and thirty-nine hundredths (352.39) feet to the northeasterly line of Hamburg-Springville Road, sixty-six (66) feet wide at the point of beginning.

At this hearing at the time and at the place noted, all interested parties will be heard for or against said petition.

Dated: August 18, 1989

Joyce Carr
Town Clerk
Town of Boston

8-24

**LEGAL NOTICE
TOWN OF BOSTON
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN that sealed proposals will be received and considered by the Town Board of the Town of Boston, County of Erie, State of New York on the 6th day of September, 1989, at 8:20 P.M. local time in the Town Hall, Town of Boston, New York, for furnishing all tools, equipment, materials and labor for the installation of a fuel island and storage tank, including appurtenances and related work, complete in place and ready for use in accordance with the Contract Documents therefor, including Plans, Specifications, Instructions to Bidders, etc., prepared by Nussbaumer & Clarke, Inc., Consulting Engineers for said project, and approved by the Town Board of the Town of Boston, all of which are on file with the Town Clerk in the Town Hall.

Copies of the proposed Contract Documents, Plans, Specifications and Instructions to Bidders may be examined at the above office and at the office of the Engineers at 310 Delaware Avenue, Buffalo, New York 14202, from which latter office copies may be secured upon payment of \$50.00 per set of documents. Deposits should be in the form of two (2) \$25.00 checks made payable to the Town of Boston.

The envelope containing the bids must be sealed, addressed to the Town of Boston, Erie County, New York, and must be designated as "Bid for Fuel Island and Storage Tank, Town of Boston."

Any bids not delivered in person shall be mailed to the office of the Town Clerk, Town of Boston, Town Hall, 8500 Boston State Road, Boston, New York 14025.

Any bidder returning such plans and specifications in good condition within 30 days following the award of the contract or the rejection of the bids, will be refunded the full amount of the deposit. Similarly, non-bidders will be refunded one-half of the deposit. Material suppliers and anyone returning the bid documents before the bid opening will also be classed as non-bidders. Any bidders requesting more

Voucher #248 - Mecca Kendall Corp.

From: \$ 1,800.00
To: \$ 1,180.00

Total Abstract:

From: \$39,229.16
To: \$38,612.16

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to grant emergency permission to Linda Krencik, 5248 Glenn Terrace, to have a mobile home on her property to reside in for a three month period while repairs are being made to her fire-damaged home.

five (5) ayes

Carried

Received a letter from Richard N. Reisch, 7758 Zimmerman Road, relative to a drainage problems on his property at the time of severe rains on June 1, 1989. As Zimmerman Road is a county road, Supervisor Kennedy and Councilman Wittmeyer will review the problem with Mr. Reisch to determine if it is a county responsibility or if the problem is occurring on private property.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to grant permission to Randy Barker, d/b/a Southtowns Power Equipment, for the construction of a 24 X 48 foot warehouse, as revised roof plans have been received per Planning Board recommendation of August 23, 1989.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to table until the September 20, 1989 meeting the application of James Millich for a two-family residence on vacant land between Fairlane Drive and Liebler Road, in order to have time to review the application in relation to what Mr. Millich plans for the remaining two lots at this location.

five (5) ayes

Carried

Received and filed notification from New York State Electric & Gas Corporation of replacement of defective MV Fixtures with HPS, as follows:

Entire Pfarner Road:

Install 1 - 8500 lumen hps lamp @ \$106.24 each = \$106.24
Remove 1 - 9400 lumen mv lamp @ \$146.17 each = \$146.17
(Pole 11A-1, Line 1026) Annual Decrease = \$ 39.93

District #1 - Hickory Road:

Install 1 - 5200 lumen hps lamp @ \$ 93.33 each = \$ 93.33
Remove 1 - 7000 lumen mv lamp @ \$113.64 each = \$113.64
(Pole 2, Line 2161) Annual Decrease = \$ 20.31

RESOLUTION - OUT-OF-DISTRICT WATER SERVICE

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to authorize Supervisor Kennedy to sign an agreement with Nussbaumer & Clarke, Inc. for their services in preparing bid specifications for the Highway Department fuel island and storage tank in the amount of \$800.00.

five (5) ayes

Carried

Received and filed notification from Karen's Family Restaurant, 8965 Boston State Road, that they are planning to renew their beer and wine license.

Upon the request of Assessor William H. Kleis, Jr., a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to grant permission for his attendance

than one (1) set of plans and specifications may purchase the excess, but it is understood that they are not comparable.

The right to reject any or all bids; to waive any informalities in, or to make an award to other than the low bidder, should it be deemed to be in the best interest of the Town of Boston; and in accordance with law, are herewith reserved.

Each proposal must be accompanied by a certified check for a sum equal to five percent (5%) of the amount of the bid, payable to the Town of Boston, New York, or bid bond with sufficient sureties to be approved by the Attorney for the Town of Boston, New York, in a sum equal to five percent (5%) of the amount of the bid, conditioned that, if his proposal is accepted, he will enter into a contract for the same, and that he will execute such further security as may be required for the faithful performance of the contract.

No bidder may withdraw his bid within forty-five (45) days after the date set for the opening thereof, but may withdraw same any time prior to the scheduled date for the opening of bids.

The successful bidder will be required to furnish a performance bond acceptable to the Owner, in an amount equal to the Contract award.

Attention of the bidder is further called to Section 2604 of the Public Authorities Law which requires a bidder's Certificate of Non-Collusion. Such certificate is part of the bid or proposal form and, unless complied with, such bid will not be accepted.

Bidders on this work will be required to comply with the President's Executive Order No. 11246. The requirements for bidders and contractors under this Order, which concern non-discrimination in employment, are explained in the Specifications.

The Town of Boston, New York is an exempt organization under tax laws and is exempt from payment of Sales and Compensating Use Taxes of the State of New York and Cities and Counties of the State on all materials which are to be incorporated into the project, pursuant to the provisions of the contract. These taxes are not to be included in this bid.

This contract shall be completed within thirty (30) consecutive calendar days, to begin five (5) days following the "Notice to Commence Work" by the Owner.

Dated: August 18, 1989

BY ORDER OF: JOYCE CARR
TOWN CLERK, TOWN OF BOSTON
8-24

at the 1989 Conference on Assessment Administration at Kutscher's Country Club from October 10-13, 1989, with all appropriate expenses to be paid by the town, contingent that he is reappointed to a new term as Assessor by the Town Board prior to that time.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to make the following Transfers of Appropriations:

General Fund:

From: A1990.4	Contingent Account	\$13,334.00
To: A1640.4	Cent. Garage, Cont.	\$ 300.00
A1989.4	Unclassified, Cont.	1,400.00
A4540.4	Ambulance, Cont.	2,500.00
A5132.2	Garage, Equip.	1,703.29
A7110.2	Parks, Equip.	1,525.00
A7550.4	Celebrations, Cont.	1,300.00
A9040.8	Workman's Comp.-Insurance	196.71
A9902.9	Transfer to Risk Retention Fund	4,409.00
		<u>\$13,334.00</u>

Light District:

From: SL5182.4	Street Lighting	\$ 1.24
To: SL1930.4	Judgement & Claims	\$ 1.24

Water District #1

From: SW1-8340.4	Transmission & Distribution	\$ 2,650.00
To: SW1-1930.4	Judgement & Claims	\$ 3.19
SW1-8340.2	Transmission & Distribution	2,646.81
		<u>\$ 2,650.00</u>

Water District #2

From: SW2-8340.4	Transmission & Distribution	\$ 1,800.00
To: SW2-1989.4	Miscellaneous	\$ 1,800.00

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to include two amendments to the Personnel Rules of the Boston Highway Department, as follows:

RULE IX

STARTING SALARIES / INCREMENTAL INCREASES

Notwithstanding any other rule, the Highway Superintendent shall make an evaluation of new full-time highway employees at the expiration of 3 calendar months from the date of hiring and every 3 calendar months thereafter. Upon recommendation of the Highway Superintendent, the Town Board may authorize an incremental increase in the hourly wage for such new full-time employee, in an amount not to exceed \$.50 per hour until said employee reaches the maximum hourly rate established for the employee's job classification, as same shall be established annually by the Town Board at the January organizational meeting.

RULE X

TRAINING OF MOTORIZED EQUIPMENT OPERATORS (MEO's)

The Highway Superintendent shall provide training for all MEO's employed by the Town of Boston Highway Department. Such training shall include, insofar as practicable, operation of all machinery customarily operated by the Town of Boston Highway Department whether or not such equipment is owned, leased, rented or otherwise made available on a regular basis to the Town of Boston Highway Department. Insofar as is practicable, all MEO's shall be trained to operate any new or different equipment acquired for regular use by the Highway Department.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy directed Town Clerk Carr to correspond with the Commissioners of the Erie County Water Authority relative to hydrant rentals in the Woodlee Subdivision.

Town Clerk Carr said there will be a surplus food distribution at the Town Hall on Thursday, September 21, 1989, starting at 9:00 A.M.

Town Justice Monthly Financial Report, in the amount of \$21,050.99, consisting of 20 pages, was received.

Timothy Dinse, 7146 Boston State Road, said he had his property surveyed and the new survey showed that some of the beehives kept by his neighbor, Casper Faulring, were on the Dinse property. He said that Mr. Faulring is in the process of relocating the hives at this time. Attorney Perley said he will draft legislation for presentation to the Town Board, which would require a Special Use Permit for the keeping of bees in an Agricultural A-1 zoning.

Councilman Wittmeyer said Melvin Kase of the Erie County Division of Highways contacted the Town Clerk with information that the brush at the intersection of Taylor and Eckhardt Roads would be cut and that additional signage possibly would be erected, however, as of this date this has not been done. He asked Town Clerk Carr to contact Mr. Kase once again on this matter.

Councilman Wittmeyer also reported that a resident of Park Drive asked for a "Children at Play" sign and a traffic reduction in that area. He noted that "Children at Play" signs are not considered for use on residential streets in subdivisions. In conjunction with this request, he proposed that the Traffic Safety Committee make a study of all subdivisions in town as to the suggested speed and post the signs accordingly when the review is completed.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Town Engineer's Monthly Report was received.

Dog Control Officer Monthly Report was received and also a copy of the Dog Shelter Compliance Report made by the New York State Department of Agriculture and Markets, which gives the dog shelter a satisfactory rating and noted that both the shelter and the records are in good order.

A letter was received from Sam W. Ware, Jr., resigning from the Assessment Board of Review. Supervisor Kennedy directed Town Clerk Carr to write Mr. Ware a letter of appreciation for his service on this Board.

Notification was received from the Planning Board stating they are cancelling their September 12 meeting, due to Primary Day.

Received a letter from Garry E. Tank, stating he will be unable to honor his recent appointment to the Planning Board, due to another commitment on Tuesday evenings.

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman to adjourn at 9:08 P.M. in memory of Nelson Endress, a former Town of Boston Supervisor and Town Clerk, who passed away recently.



Joyce Carr
Town Clerk

Regular Meeting
September 20, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the Minutes of the Regular Meeting of September 6, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #9A, September 20, 1989, in the amount of \$39,890.70 be paid.

five (5) ayes

Carried

There were no Highway Bills.

Received and filed information on an environmental conference sponsored by WNY REACH on September 23, 1989 at Erie Community College North.

Received and filed information on membership changes in the North Boston Volunteer Fire Co., Inc.

Received and filed notification from Tony's Frostee Freeze that they are renewing their liquor license for the 1989-90 year.

Received a letter from Shirley and Richard Davidson, 8926 Rockwood Road, stating they object to the defoliating spray used by the Highway Department. Highway Superintendent Ruchalski said that, although the use of the spray is approved, he also agrees that it should no longer be used and he is eliminating the use of the spray on roadsides. Town Clerk Carr was directed to correspond with the Davidsons as to this decision and also to Mrs. Magavern and Mr. Clark, who also complained of the spraying.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to communicate to Senator Daniel P. Moynihan and Senator Alfonse D'Amato that the Home Energy Assistance Program is a vital service to senior citizens and that the town goes on record in support of its continuation, and with benefits increased to keep pace with the increased energy costs.

five (5) ayes

Carried

Suzanne Bard, 5876 Woodlee Court, asked about the planned extension of Woodlee Subdivision and if the property owners in the area would have input into the decision. Attorney Perley said the subdivision is in the preliminary stage at this point and that a public hearing will be held by the Planning Board, with property owners being notified of the hearing, before final approval is made. He also told Mrs. Bard that the Planning Board meets on the second and fourth Tuesday of each month and that anyone can attend. Mrs. Bard requested a copy of the highway specifications and zoning regulations for single-family dwellings and she was advised she can pick up these regulations at the Town Clerk's Office at her convenience.

Mark Flowers, 4642 Zenner Road, asked why an extension was given to Kenneth Decker to remove the topsoil he purchased from the town on July 15, 1989. Supervisor Kennedy said there were four bidders in attendance at the sale and that no one was willing to bid unless an extension of the time to remove it was altered, therefore, it was done at that time in order to obtain a bid. Mr. Flowers asked why this sale was not advertised in the Buffalo News, so as to reach a larger number of bidders and Mr. Kennedy said that the town advertises in either the Suburban Press, Hamburg Sun or Springville Journal, plus they wrote letters to all known local persons in the topsoil business relative to this sale and added that this has proven to be the best way of notification, as it would not be cost effective for someone from outside the local area to purchase the topsoil, with the distance involved in loading and trucking it.

Josephine Davenport, 4957 Appletree Road, asked what the status of the intersection of Eckhardt and Taylor Roads was, and if the town was continuing to put pressure on the county relative to some more signage in the area. Councilman Wittmeyer said that the county installed new signage last week, including the largest size Stop signs and Stop Ahead signs. They also assured Councilman Wittmeyer that the brush will be cut shortly at the intersection.

September 20, 1989

Received a Notice of Claim of Helen Bell vs. the Town of Boston and County of Erie, relative to an automobile accident at Taylor and Eckhardt Roads on July 31, 1989. Councilman Wittmeyer said he has a lengthy file of the town's attempts to have additional signage installed at this intersection and that from the first communication until last week when signs were installed was a period of two years and one month, and that everything possible has been done by the town to alleviate the unsafe conditions in this area. Supervisor Kennedy named Attorney Perley as contact person for this claim and Mr. Perley said he will attempt to have the Town of Boston removed as Respondent, as both Taylor and Eckhardt are county roads.

Received notice that Abbott Road, between Herman Hill Road and Seufert Road will be closed from September 25 - October 6, 1989 for replacement of a bridge.

Upon the recommendation of the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to grant a building permit to James Millich for a two-family residence on Fairlane Drive, near Boston State Road, with Supervisor Kennedy stating the approval is for this site plan only, and does not pertain to future plans Mr. Millich may have for the other building lots on the property.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to reappoint William H. Kleis, Jr. as Assessor, term to expire September 30, 1995.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to reappoint Jean Kleis as Assessment Clerk, Part Time.

five (5) ayes

Carried

At 8:00 P.M. a public hearing was held regarding the cable television franchise between Adelphia Cable International and the Town of Boston. The legal notice was read by Town Clerk Carr and Supervisor Kennedy opened the hearing.

Supervisor Kennedy said that, in his capacity as a public official, he has received complaints from residents that when there are power outages of the cable service no credit for the time of outage is given by Adelphia. Gus Palmisano, Administration General Manager, said that when the electric power is out in one section of town it affects the cable service in other areas and that the company is planning to rebuild the entire system so that not as large an area would be affected if the power is out in one section.

James Coyle, 4647 Zenner Road, said that he has been a resident of the town for eleven years and feels that cable television was initiated for select areas of town, as his area is not covered. Supervisor Kennedy said that cable was installed according to density and that 35 homes per mile was the standard used when negotiating for the cable service. Attorney Perley said there were originally two bidders for cable tv service in town - Global, which is now Jones Cable, and International, which is now Adelphia, and both bidders designated only certain areas, with International designating the most. Other areas were then negotiated and added by International. Mr. Perley said he, Alfred Samulski and Joseph Terrizzi were appointed at that time to negotiate the franchise. Mr. Coyle said he feels that the contract should not be renewed until more areas are covered and there should be a timetable for the remainder of the town to be covered. Mark Flowers said that every road in the town that continues into the Town of Eden is not covered by cable, even though the Town of Eden has cable service from Adelphia up to that point. Mr. Coyle said he is approximately 1500 feet from the Town of Eden. Mr. Flowers said he has compiled a list of roads that abut the Town of Eden roads and he would submit this to the Town Board. Councilman Wittmeyer said that the possibility of these residents receiving cable service from lines extended from the Eden, town line will be reviewed. There were no more questions from the floor.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to

LEGAL NOTICE
AUGUST 29, 1989
NOTICE OF PUBLIC HEARING
REGARDING THE CABLE
TELEVISION FRANCHISE
BETWEEN ADELPHIA CABLE
INTERNATIONAL AND THE
TOWN OF BOSTON, NEW YORK
Notice is hereby given that pursuant
to Section 626 (b) of the Communica-
tions Act of 1934 as amended by the
Cable Communications Policy Act of
1984, a public hearing will be held at
the Boston Town Hall, 8500 Boston
State Road, Boston, New York, on the
20th day of September, 1989, at 8:00
p.m. to consider the proposal of
Adelphia Cable International's suc-
cessor to International Cable, to renew
its Cable Television franchise with the
Town of Boston, said proposal being
offered in lieu of a formal franchise
renewal hearing. At the time and place
aforesaid, all persons interested in the
subject hereof, shall be heard for or
against the renewal proposal therein
submitted.
By Order of the Town Board
of the Town of Boston
Joyce Carr, Town Clerk

9-7

September 20, 1989

close the public hearing at 8:25 P.M.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to reserve decision on the proposal of Adelpia Cable International to renew its cable television franchise with the Town of Boston until the October 4, 1989 Town Board meeting.

five (5) ayes

Carried

Received and filed a resolution from the Erie County Clerk's Office relative to the Concord Agricultural District.

Received and filed resolution from the Town of Colden in support of the increase in rates for snow and ice removal paid by the county to the towns.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make the following correction of General and Special District Abstract #9, September 6, 1989:

Total Water #2	\$162.50
Total Abstract	\$12,024.99

five (5) ayes

Carried

Received and filed notification from Erie County Division of Highways that the Trevett Road bridge will be closed for reconstruction work from September 25, 1989 to September 29, 1989 from 8:00 A.M. - 4:30 P.M.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to refer to the Planning Board for review and recommendation the request of Roy Emerling to construct an apartment complex on Boston State Road, adjacent to the senior citizen apartments.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to authorize the installation of two 3300 lumen HPS lamps on Poles 7 and 9, Line 3594, on Pinoak Drive at a total annual increase to the Light District of \$167.52.

five (5) ayes

Carried

A letter was received from the Boston Patriots Little League Football, Inc., advising of electrical problems with the lighting at the Town Park that affects their concession stand and practice field. Supervisor Kennedy said he is aware there are problems and is awaiting a cost analysis for the remedial work. He and Town Clerk Carr will draft a letter to the Patriots Little League in answer to this communication.

Received notification from Adelpia Cable that the basic monthly service rate will increase to \$16.95 and preferred packages will be increased by \$2.50, effective November 1, 1989. Supervisor Kennedy said the Town Board can not monitor the rate structure, nor is it regulated by the Public Service Commission, as are the utility rates.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to refer to the Planning Board for review and recommendation the request of John Spors to construct a repair shop and gasoline pumps at Star Service, corner of Boston State and Boston-Colden Road.

five (5) ayes

Carried

RESOLUTION - NATIONAL POLISH-AMERICAN HERITAGE MONTH

Supervisor Kennedy directed Town Attorney Perley to correspond with the owners of TNT Battery at 8338 Boston State Road and ask him his intentions insofar as completing his construction work and in cleaning up the premises, as there have been complaints received about this property.

Attorney Perley submitted a draft of Amendments to the Zoning Ordinance he prepared at the request of the Town Board relative to the definition of Lot Width

September 20, 1989

and a new subsection on the keeping of domestic honey bees. A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to schedule a public hearing for November 15, 1989 at 8:00 P.M. on these proposed amendments.

five (5) ayes

Carried

Councilman Wittmeyer said he was contacted by Ronald Murray, 5173 Mayer Road, that the 35 mph speed signs have not yet been installed. Councilman Wittmeyer said this was conveyed to the county and they said they will install them.

Councilman Wittmeyer reported that he, Supervisor Kennedy and Highway Superintendent Ruchalski toured the town on September 19 with Erie County Highway representatives and spent a very productive morning detailing problems with county roadways.

Supervisor Kennedy said he checked the complaint of Sharon Filkorn, 6466 Patchin Road of excessive noise at the adjacent Valley View Inn by visiting on a Saturday evening and found the windows to be closed, except for a small restroom window, and did not feel the noise was excessive. Councilman Wittmeyer said he also walked around the building at midnight on a very warm Saturday evening when the windows, except for the restroom, were once again closed and said the noise from the outside was no more than a radio playing. He added that he obtained a copy of the police report that was filed last week after they were again called by Mrs. Filkorn and that the State Police found the noise level to not be excessive and categorize the complaint as a nuisance call. Town Attorney Perley said he understands that a formal complaint has been filed in the Town Justice Court by Mrs. Filkorn and that it will probably be heard in the Town of Hamburg Justice Court.

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to adjourn at 8:53 P.M.



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 20th day of September, 1989 at 7:30 P. M. Eastern Daylight Saving Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Councilman Lisowski presented the following resolution and moved its adoption.

On behalf of the Town of Boston, it gives me great pleasure to join with elected officials throughout the United States of America to proclaim October National Polish American Community of Boston, past and present, for the hard work and dedication of its people on behalf of our City.

Polish Americans have contributed mightily to the well-being of our Town, our State and our Country. For over two hundred years, Polish Americans have shared with us their customs, culture and their strong devotion to American democracy.

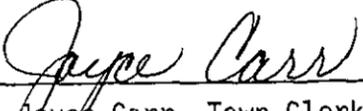
In early Colonial times when Polish glassblowers and craftsmen were asked to save the Jamestown settlement in Virginia, when Revolutionary War heroes such as Kosciuszko and Pulaski to international men of good will, such as His Holiness, Pope John Paul II, we have come to know and respect the culture, customs and spirit of the Polish American people.

Let the Polish American Community know that the Town of Boston extends every best wish to them during National Polish American Heritage Month and that they enjoy the respect and appreciation of all Americans during their month of recognition and honor.

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

Supervisor Kennedy	Voting	aye
Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Wohlhueter	Voting	aye
Councilman Lisowski	Voting	aye

AYES: 5 NOES: 0 ABSENT: 0


Joyce Carr, Town Clerk

Regular Meeting
October 4, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski. Councilman Frank Lisowski was absent.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Minutes of the Regular Meeting of September 20, 1989 be approved.

four (4) ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter that the Town Clerk's Monthly Report be accepted.

four (4) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #10, October 4, 1989, in the amount of \$6,883.02 be paid.

four (4) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #10, October 4, 1989, in the amount of \$25,195.20 be paid.

four (4) ayes Carried

Received and filed Notice of Public Hearing on Amendments to the Zoning Ordinance from the Town of Orchard Park.

A presentation by the fifth grade class of Mrs. Geraldine Hubert at Boston Valley Elementary School was made on a tribute to the Bill of Rights. This ceremony commemorates the beginning, on September 25, 1989, of a two-year period of the bicentennial of the United States Constitution's Bill of Rights. Following the ceremony, which included the reading of the Bill of Rights by the students, Supervisor Kennedy expressed appreciation to Mrs. Hubert and her class for making this presentation.

Mark Flowers, 4642 Zenner Road, asked who acted as contract administrator for the construction of the new highway building. Supervisor Kennedy said he, as Chief Fiscal Officer of the town, acted in this capacity.

Referred to the Planning Board for review and recommendation the request of John Spors, owner of Star Service at 7041 Boston-Colden Road, to install gasoline pumps at his repair shop.

Attorney Perley requested the Town Board to grant additional time before making a decision on the cable television franchise, so that he would have an opportunity to schedule a meeting with himself, Councilman Zimmerman and representatives from Adelphia Cable for further negotiations relative to questions that were raised at the September 20, 1989 Public Hearing.

Mr. Flowers asked how the four streets that Adelphia Cable has agreed to add to the cable system were chosen. Supervisor Kennedy said there have been numerous requests over a long period of time from residents of these streets and that, until the recent Town Board meeting, a request for service on Zenner Road has never been received.

Received and filed a map of that portion of the Concord Agricultural District which falls within the Town of Boston from the Erie County Department of Environment and Planning.

Supervisor Kennedy reported that bids were opened on September 25, 1989 for the installation of a fuel island and storage tank at the highway garage, as follows:

D. J. Preston, Inc.
Route 243
Caneadea, New York 14717

Total Bid: \$54,967.00

Marshall Tank Company, Inc.
51 Botsford Place
Buffalo, New York 14216

Total Bid: \$41,900.00

Supervisor Kennedy said that he would like an opportunity to meet with Councilman Wittmeyer, Highway Superintendent Ruchalski and the engineer to review the bid specifications for the possibility of modification, due to the high amounts of the bids.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to table for another month the decision on the installation of a fuel island and storage tank at the highway building, with the possibility of resubmittal of modified bid specifications.

four (4) ayes

Carried

Upon the recommendation of the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to approve a building permit to construct a 30 foot X 80 foot repair shop on the property of John Spors at 7041 Boston-Colden Road; contingent that the existing building be removed from the site within six months of completion of the new building.

four (4) ayes

Carried

Received notification from the Erie County Water Authority advising of tariff changes in the service connection of water service, with 3/4 inch and 1 inch connections increasing to \$600.00 and 1 1/2 inch and 2 inch connections decreasing to \$750.00.

Upon the request of Susan Duffett, Director, and Patti Schunk, Varsity Coach, of the Boston Patriots Little Loop Cheerleaders, a motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to grant permission for the use of the Town Hall Community Room for a sleepover on Sunday, October 8, 1989 from 7:00 P.M. to Monday, October 9, 1989 at 10:00 A.M.

four (4) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule a public hearing for the rezoning from Residence R-2 to Business B-1 of the remainder of the town highway property at 8321 Boston State Road for November 1, 1989 at 7:45 P.M.

four (4) ayes

Carried

The 1990 Preliminary Budget and Summary of 1990 Preliminary Budget was read by Supervisor Kennedy.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1990 General Fund Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$837,420.00
Less Estimated Revenues	600,000.00
Less Unexpended Balance	187,000.00
Amount to be Raised by Tax	50,420.00

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the 1990 Highway Fund Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$599,700.00
Less Estimated Revenues	228,000.00
Less Unexpended Balance	60,000.00
Amount to be Raised by Tax	311,700.00

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the 1990 Fire Protection Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$212,832.00
Less Unexpended Balance	8,000.00
Amount to be Raised by Tax	204,832.00

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the 1990 Light District Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$ 19,800.00
Amount to be Raised by Tax	19,800.00

four (4) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1990 Ambulance District Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$ 39,720.00
Amount to be Raised by Tax	39,720.00

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the 1990 Refuse and Garbage District Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$284,960.00
Less Unexpended Balance	65.00
Amount to be Raised by Tax	284,895.00

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the 1990 Sewer District #2 Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$ 1,198.50
Amount to be Raised by Tax	1,198.50

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the 1990 Water District #1 Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$ 29,886.20
Amount to be Raised by Tax	29,886.20

four (4) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1990 Water District #2 Preliminary Budget, as read by Supervisor Kennedy, be approved as follows:

Appropriations	\$ 37,788.00
Amount to be Raised by Tax	37,788.00

four (4) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer to schedule a public hearing for November 1, 1989 at 8:00 P.M. on the Preliminary Budget for 1990.

four (4) ayes

Carried

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy directed Attorney Perley to communicate by letter with Joseph DeMarco, 5647 Herman Hill Road, relative to complaints received by an adjoining property owner that the loading of trucks is causing excessive noise during the hours between 1:00 A.M. to 7:00 A.M.

Supervisor Kennedy said he has received information from New York State Department of Transportation that they have reactivated the construction project for the Rice Road access road from the Boston valley and that this construction is tentatively

scheduled for late 1992. Supervisor Kennedy said he is glad to see this project is viable again, as it will bring economic benefits to the south end of town, and it will be beneficial to have both a north and a south access to the Route 219 Expressway.

Town Justice Monthly Financial Report was received.

Highway Superintendent Ruchalski reported that CHIPS funding has enabled the major repair of nine roads during the past construction season. He also noted that the final brush pickup for 1989 will begin on Monday, October 23, 1989.

Councilman Zimmerman asked the Traffic Safety Committee to determine why a "School" sign is on Back Creek Road, travelling south, but not on Back Creek Road travelling north near the Boston Valley School. He also noted that the county should be notified to cut the trees back on the south side of the school driveway, as site is obstructed when exiting the driveway. Councilman Zimmerman said he has been asked if there is a possibility that a blinking caution light could be installed at the school and Councilman Wittmeyer said that request was reviewed and denied by the county previously, however, he would check the history of when the denial was made.

RESOLUTION - EMERGENCY SQUAD JURY DUTY EXEMPTION

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Town Engineer's Monthly Report was received.

Dog Control Officer Monthly Report was received.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to adjourn at 8:53 P.M.



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 4th day of October, 1989 at 7:30 P.M. Eastern Time, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman

Councilman Zimmerman presented the following resolution and moved its adoption:

WHEREAS, Members of the Boston Emergency Squad volunteer their services and perform an essential service to the Town of Boston, and

WHEREAS, most volunteer fire companies also have emergency first aid vehicles and personnel, and

WHEREAS, Volunteer fire company personnel are exempt from jury duty, and

WHEREAS, The Town of Boston has a separate volunteer emergency squad.

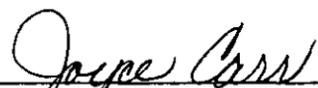
NOW, THEREFORE, BE IT RESOLVED, that independent volunteer emergency squad personnel be exempt from jury duty, and that

BE IT FURTHER RESOLVED, that this resolution be sent to the Towns of Eden and North Collins, County Executive Dennis Gorski, County Legislator Karl Henry, Assemblyman Thomas Reynolds, Assemblyman Francis Pordum and State Senator William Stachowski.

Seconded by Supervisor Kennedy and put to a vote, which resulted as follows:

Supervisor Kennedy	Voting	<u>aye</u>
Councilman Wittmeyer	Voting	<u>aye</u>
Councilman Zimmerman	Voting	<u>aye</u>
Councilman Wohlhueter	Voting	<u>aye</u>

AYES: 5 NOES: 0 ABSENT: 1


Joyce Carr, Town Clerk

Regular Meeting
October 18, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski. Councilman David Zimmerman was absent.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Minutes of the Regular Meeting of October 4, 1989 be approved.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter that the General Fund and Special District Bills on Abstract #10A, October 18, 1989, in the amount of \$33,627.70 be paid.

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Highway Bills on Abstract #10A, October 18, 1989, in the amount of \$4,772.95 be paid.

four (4) ayes

Carried

Received and filed acknowledgement and support of the Town Board resolution on exemption from jury duty for Emergency Squad members from Assemblyman Thomas M. Reynolds.

Referred to the Capital Improvements Committee for discussion with our grants-person a letter from the Department of Agriculture and Markets stating they are authorized to provide financial grants for farmers markets in New York State.

Received notification of informational meetings about the Home Energy Assistance Program, with the nearest meeting to Boston being at the Hamburg Town Hall on November 6, 1989. Supervisor Kennedy said anyone interested in attending should notify Town Clerk Carr so that she can notify the county.

Mark Flowers, 4642 Zenner Road, asked what happened to the rest of the highway garage, as he believes the resolution passed in the public referendum referred to the garage as being 160 feet X 100 feet. Supervisor Kennedy said the building was never planned for 160 feet X 100 feet; it is 150 feet X 100 feet and that he does not believe that type building is even available in the size Mr. Flowers stated. Councilman Wittmeyer provided Mr. Flowers with a Certification of Referendum, which does not state any size on the proposition that was passed at the referendum.

A letter was read from Councilman Zimmerman to Joe Gerace, New York State Office of Rural Affairs, relative to the implementation of more stringent training and rules of operation for personnel involved with first aid.

RESOLUTION - OBJECTION TO INCREASE IN REQUIREMENTS FOR THE EMT-INTERMEDIATE COURSE

Referred to Councilman Wittmeyer, as Acting Disaster Coordinator, a letter from the Department of Emergency Services soliciting volunteers for a county-wide Hazardous Materials Response Team. Councilman Wittmeyer and Supervisor Kennedy will jointly review potential volunteers for this program.

Received a tentative equalization rate from the State Board of Equalization and Assessment for the 1989 Assessment Roll of 103.46%. The state has scheduled a hearing date for November 20, 1989 and a review will be made of the properties that were evaluated by the State Board prior to that date to determine if the town will challenge this tentative rate.

Upon the recommendation of the Planning Board, a motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to schedule a public hearing for November 15, 1989 at 7:45 P.M. on the request for a Special Use Permit to construct gasoline pumps by John Spors, 7041 Boston-Colden Road.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to reject the two bids received and opened on September 25, 1989 for a fuel island and storage tank at the highway garage and to resubmit modified specifications for bids.

four (4) ayes

Carried

Received notification from County Executive Dennis Gorski that the county will increase reimbursement to the town for snow and ice removal of county roads to \$1050 in 1990, which is \$50.00 more than in 1989. Highway Superintendent Ruchalski stated that this increase does not cover the costs of the snow and ice removal and that this issue will be discussed at a meeting of county highway superintendents on October 19, 1989. Supervisor Kennedy added that he, along with Highway Superintendent Ruchalski, will continue to pursue additional reimbursement from the county.

Referred to the Planning Board, as part of their site plan review, the request of North Boston Volunteer Fire Co., Inc. that the proposed multiple dwelling complex on vacant land on Boston State Road be required to have sprinkler systems.

Received an addendum to the original closure notice of Abbott Road, from Herman Hill Road to the Boston-Orchard Park town line, from the original notice from September 25, 1989 to October 6, 1989 to October 7, 1989 to Completion. Town Clerk Carr was directed to communicate by letter to the county and tell them that we appreciate the remedial and reconstruction work being done on the county roads in town, however, this road closure would not be of so long a duration and of so much inconvenience if the new culvert would have been at the location prior to making the road cut.

RESOLUTION - OUT-OF-DISTRICT WATER SERVICE

The Youth Service Award for 1989 was presented to Remy C. Orffeo by Youth Advisory Board Chairman Richard Michaels and Youth Board member Paul Barone. Mr. Michaels noted that Mr. Orffeo has devoted many years of service to the youth of the community by his involvement with the summer recreation program, the Tuesday and Friday night youth programs and with the many other activities concerned with the young people in town and commended him for authoring an article in a state magazine relative to volunteerism. Supervisor Kennedy and Councilman Lisowski, as liaison to the Youth Board, added their congratulations to Mr. Orffeo on behalf of the Town Board for his service to youth.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize, in accordance with the Personnel Rules of the Highway Department, an hourly raise of \$.50 each to Jerome Krencik and Mark Brock, retroactive to October 1, 1989.

four (4) ayes

Carried

Town Clerk Carr said the next surplus food distribution will be held on Thursday, November 2, 1989.

Highway Superintendent Ruchalski reported that the snow removal equipment is all prepared for when the winter begins. He also noted that the last brush pickup of the year will begin on Monday, October 23, 1989.

Attorney Perley stated he received a letter from the office of Attorney Paul Beltz stating they would remove the Town of Boston as a defendant in the case of Helen Bell vs the County of Erie and Town of Boston, if an affidavit was signed by the Highway Superintendent stating that both Taylor and Eckhardt Road are county roads and not town roads. To illustrate how easy it would be for an attorney to determine what jurisdiction a particular road has, Mr. Perley said he picked up a county map from the Division of Highway office in Buffalo in a matter of minutes and the map very clearly states that Taylor Road and Eckhardt Road are county roads. He will forward the requested affidavit to Attorney Robert Nichols of Paul Beltz's office and will also inform him of the ease in determining the jurisdiction of any road in the county.

Councilman Wohlhueter said he will convene a meeting shortly of the Refuse and Garbage Committee to review the contract with Joe Ball/BFI Sanitation, which will expire at the end of 1990.

Councilman Wittmeyer directed Town Clerk Carr to contact the Erie County Division of Highways and ask them to replace the missing "School Ahead" sign on Back Creek Road, travelling north, and to also ask them to cut the brush that obstructs vision when exiting from the school driveway.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to reappoint Clayton G. Schunk to the Assessment Board of Review, term to expire September 30, 1994.

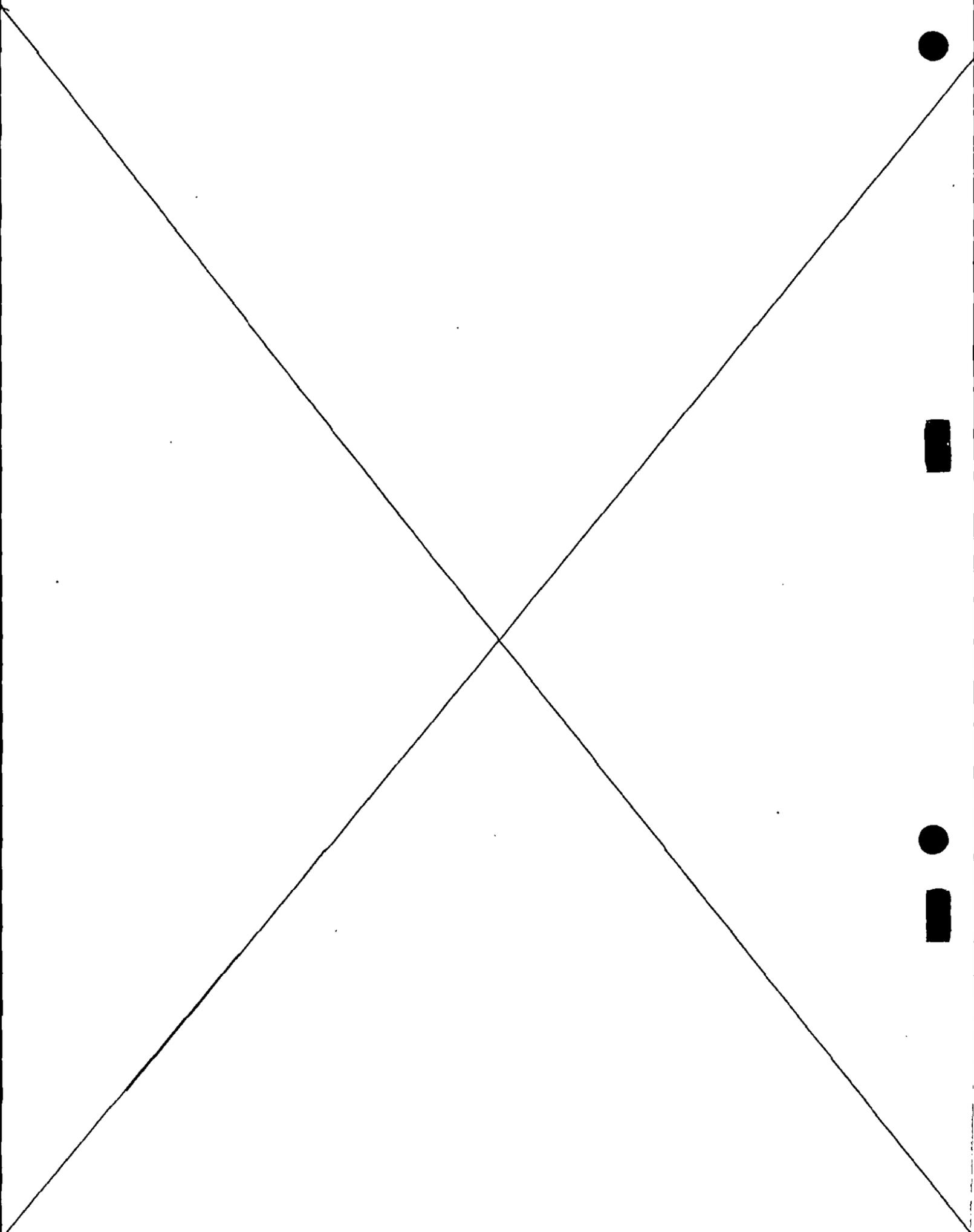
four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to adjourn at 8:26 P.M.

Joyce Carr

Joyce Carr
Town Clerk



TOWN OF BOSTON



At a regular meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 18th day of October, 1989 at 7:30 P.M. Eastern Time, there were:

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	Don A. Wohlhueter	Councilman
	Frank H. Lisowski, Jr.	Councilman
ABSENT:	David G. Zimmerman	Councilman

Councilman Wohlhueter presented the following resolution and moved its adoption:

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

<u>SBL ACCOUNT NUMBER</u>	<u>NAME</u>	<u>ADDRESS</u>
212.00-1-26.3	William P. Wilson	7353 Ward Road

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

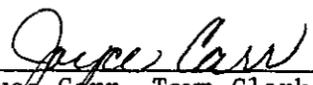
RESOLVED, that when and if the Town of Boston forms a Water District to service the area in which this petitioner resides, that this petitioner be and is hereby obligated to join the Town of Boston Water District, and be it further

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

Seconded by Councilman Lisowski and duly put to a vote, and upon roll call the vote was as follows:

Supervisor Kennedy	Voting	<u>aye</u>
Councilman Wittmeyer	Voting	<u>aye</u>
Councilman Wohlhueter	Voting	<u>aye</u>
Councilman Lisowski	Voting	<u>aye</u>

AYES: 4 NOES: 0 ABSENT: 1


Joyce Carr, Town Clerk

Town of Boston
Concerns Resulting From
EMT-Intermediate Changes

1. At the national level, the EMT-Intermediate (EMT-I) curriculum lists the skills of endotracheal intubation and defibrillation as optional. The New York State Department of Emergency Medical Services has elected to make these skills mandatory.

It is important to realize that the impact of these changes in Western New York will more than double the required course length. It is currently difficult, and becoming nearly impossible, to motivate volunteers to participate in programs such as this. Doubling the required course length will undoubtedly result in less volunteers.

Continuing the New York State EMT-I curriculum with these skills as optional ensures the New York State program conforms to national standards.

2. In parallel with the above changes, the New York State Department of Emergency Medical Services implemented a policy of internships for the above additional skills.

The policy detailing the internships requires "supervised experience on a prehospital ALS unit... Before successful field internship completion, the EMT-I student must exhibit competence in the following skills while caring for patients:

- a. Patient assessment.
- b. Venipuncture and administration of intravenous fluids
- c. Endotracheal Intubation
- d. Esophageal obturator airway
- e. Defibrillation
- f. Medical communications."

Town of Boston
Concerns Resulting From
EMT-Intermediate Changes
Continued

There are several aspects of these internship requirements that represent major concerns.

- a. In small rural communities, the number of potential applications of these skills is (fortunately) minimal; it is not inconceivable that skills #3 and 5 above (the new additions) could not be faced in the field for as much as a year at a time.

- b. The defibrillation skill taught to EMT-I students uses an automatic, computer controlled defibrillator which is not available on any field Mobile Intensive Care Units (MICU's) in Western New York. (The field internships have to be performed on MICU's.) The result of the mandatory field internship requirement is that additional classroom time and practical skill experience has to be taught to master the use of manual defibrillators (the ONLY units in use in EMT-P MICU's) because the MICU's manual units - not the automatic units have to be used during the field experience.

The undesirable net result of what is supposed to be an additional skill requiring minimal time (due to the automatic equipment used in the EMT-I program) is an unacceptable requirement resulting in a lot of time required to learn and practice a skill during internship which cannot be used by the EMT-I in actual practice according to local protocols.

- c. Field application of the two new skills (#3 and 5 above) in almost every case represents a potential life-threatening situation for the patient. Requiring field experience by EMT-I students under witnessed supervision of a "preceptor" (experienced, qualified EMT-P and/or EMT-I) means that in this critical life-or-death situation, the EMT-P/EMT-I is expected to stand by in difficult field situations while a student gets a chance to gain a skill, when a patient's life is at stake.

Town of Boston
Concerns Resulting From
EMT-Intermediate Changes
Continued

3. There are numerous pilot programs being run nationally involving the authorized use of automatic defibrillators by Basic EMT and/or First Responder personnel. The responsible, correct path for defibrillation in New York State is effective implementation of a program to ensure early defibrillation capability for a maximum number of units in the state; not a limitation of the capability to a few units in the State with higher levels of training (EMT-I and EMT-P units).

It must be remembered that the national pilot programs have proven not only that early defibrillation saves lives, but also that automatic defibrillator program are successful in operating units at all levels of training, including First Responder Units and/or Basic-EMT units.

4. The issued DOH Policy statement (#89-11) concerning the internships indicates that beginning January 1, 1990, EMT-I students will not be eligible to take the State certifying examinations until they have completed all the course requirements including: didactic sessions, skill labs, clinical in-hospital experience, and the field internship experience.

As discussed previously, the next result of the additional requirements is to more than double the required time for qualification/requalification. The net result of the above policy statement will almost ensure the total elimination of EMT-I volunteers. The "expected" contribution for "volunteers" will be at least two to three nights per week of classes, and almost all of every weekend for an entire college semester to begin and complete a "course" and obtain certification. It has to be recognized that "volunteers" who are working at full-time jobs cannot be expected to participate. The net result is, in all probability, going to be an end to volunteer ALS units, with the immediate result being the loss of field - initiated IV's, a current EMT-I capability. This makes for an unfortunate step backwards in the quality of patient care and will result in unnecessary loss of lives.

Regular Meeting
November 1, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Minutes of the Regular Meeting of October 18, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the General Fund and Special District Bills on Abstract #11, November 1, 1989, in the amount of \$15,682.65 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the Highway Bills on Abstract #11, November 1, 1989, in the amount of \$14,497.41 be paid.

five (5) ayes

Carried

Received from State Senator William T. Stachowski acknowledgement of receipt of the Town Board resolution relative to Emergency Squad exemption from jury duty. Supervisor Kennedy said he will draft a letter to Senator Stachowski asking him to press forward on this matter as fair and equitable treatment should be accorded members of this vital service to the community, the same as is granted volunteer firemen.

Received notification that a Rural Services Institute will be held at Buffalo State College and that planning meetings are scheduled for November 16 and November 22, 1989. Supervisor Kennedy asked that anyone wishing to attend notify him and he will make the reservations.

Received a letter from City of Buffalo Mayor James D. Griffin relative to the sharing of the eighth percent of the Erie County Sales Tax among all the municipalities and school districts within the county. Supervisor Kennedy said that the Town Board was in support of the 1% increase in sales tax when it was first initiated as a temporary tax however, if this tax is to now become permanent, he is in favor of supporting Mayor Griffin's proposal to share the eighth percent with each municipality and school district in the county. The Town of Boston's share would amount to \$142,398.00 and the four school districts in town would receive \$1,954,308.00 in additional revenues. Supervisor Kennedy added that, with the county retaining this eighth percent sales tax, the towns should definitely be entitled to receive the additional requested monies for snow and ice removal on county roads.

Received acknowledgement from Senator William Stachowski of the Town Board resolution relative to changes in volunteer emergency training courses. Senator Stachowski attached a copy of a letter he wrote to Director Michael Gilbertson at Emergency Medical Services, asking him to reconsider these changes due to the negative impact they have on volunteers in emergency services. Supervisor Kennedy also noted that Robert Keel of the Boston Emergency Squad will speak on this matter at the Chamber of Commerce dinner on November 9, 1989 and said that interested persons should attend to understand the dilemma that is faced.

Received and filed Notice of Claim of Susanne M. Hanley vs the Town of Boston in the matter of an automobile accident on Dunn Road on October 21, 1989.

At 7:45 P.M. a public hearing was held on the petition and request of the Boston Town Board to rezone property at 8321 Boston State Road, presently zoned Residence R-2 and Business B-1 to Business B-1, this being the site of the old highway garage. The Legal Notice of the public hearing on the proposed Amendment to the Zoning

November 1, 1989

and
Ordinance/ Zoning Map of the Town of Boston was read by Town Clerk Carr, who noted that property owners in the vicinity and Erie County Division of Planning were notified of the hearing. The only reply was by the Division of Planning, who made no recommendation on the proposed rezoning. Supervisor Kennedy opened the hearing and noted that the properties to the north and to the south are zoned Business B-1 and that the front portion of this property is already zoned B-1. By rezoning the remainder of the property to B-1, it is then not piece-mealed and it will also be beneficial when the town sells the property to have the zoning all in one classification.

Wayne Kreitzbender, representing the Patchin Fire Company, said they have no objection to and are in full agreement with the rezoning.

There were no further questions or comments.

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to close the public hearing at 7:54 P.M.

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to rezone property at 8321 Boston State Road, which is presently zoned Residence R-2 and Business B-1 to Business B-1, excepting therefrom any portion of the property that is presently zoned Business B-1.

five (5) ayes Carried

Supervisor Kennedy said he has had several inquiries relative to the sale of the old highway garage property and that potential purchasers state they would be willing to waive their rights to the fuel tanks on the property until such time as a fuel island is installed at the new highway garage. Supervisor Kennedy directed Attorney Perley to draft a proposal for the sale of the property and buildings. He also stated to Councilman Wittmeyer that after the survey is completed a meeting will be scheduled with Patchin Fire Company so that arrangements can be discussed relative to the straightening of property lines.

Norman Pfeffer, 7681 Boston State Road, asked where disposal of old tires and batteries could be made. Supervisor Kennedy said that, at

TOWN OF BOSTON
REGAL NOTICE
AMENDMENT TO THE ZONING
ORDINANCE AND ZONING MAP
OF THE TOWN OF BOSTON
NOTICE IS HEREBY GIVEN,
that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing on the 1st day of November, 1989, at 7:45 P.M. Eastern Time in the Boston Town Hall, 8500 Boston State Road, Boston, New York on the petition and request of the Town of Boston Town Board to rezone the following described property, which is presently zoned Residence R-2 and Business B-1 to Business B-1, under the Zoning Ordinance of the Town of Boston, said property being described as follows:
Parcel "A"

All that tract or parcel of land situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 13, Township 8, Range 7 of the Holland Land Company's

Survey, described as follows:-

Beginning on the line of the Highway at the northwest corner of land now owned by Jacob Haab: thence easterly along the said Jacob Haab's line forty (40) feet: thence southerly twenty-five (25) feet: thence westerly to the center of the Highway: thence northerly along the center of said Highway twenty-five (25) feet: thence easterly to the place of beginning

Parcel "B"

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. 13, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point which is the northeast corner of land conveyed by Jacob Haab and Frances Haab his wife to The Town of Boston, County of Erie, State of New York by warranty deed dated February 24, 1904 and recorded in Erie County Clerk's Office in liber 985 of Deeds page 152 on March 10, 1904: running thence easterly and along a line which is the continuation of the north line of above described property conveyed by Jacob Haab and Frances Haab his wife to The Town of Boston, twenty-five (25) feet: thence southerly and parallel to the east line of said property so conveyed by Jacob Haab and Frances Haab his wife to The Town of Boston, twenty-five (25) feet: thence westerly twenty-five (25) feet to a point which is the southeast corner of property so conveyed by Jacob Haab and Frances Haab his wife to The Town of Boston and thence northerly along the east line of said property so conveyed by Jacob Haab and Frances Haab his wife to The Town of Boston twenty-five (25) feet to the point or place of beginning

Parcel "C"

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. 13, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in the center of the highway leading from Buffalo to Springville seventy-four and sixty-eight hundredths (74.68) feet southerly from the southwest corner of lands owned by Paris Cobb: thence southerly along the center of said highway eighty-nine (89) feet to the southwest corner of the lands conveyed to De Lee B. Churchill and one by deed recorded in Erie County Clerk's Office in liber 101 of Deeds page 18: thence at right angles easterly and along the said southerly line of the lands so conveyed as aforesaid four (4) chains to the southeast corner thereof: thence northerly parallel with the center line of said highway eighty-nine (89) feet: thence westerly in a straight line four (4) chains to the place of beginning

Parcel "D"

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. 13, Township 8, Range 7 of the Holland Land Company's Survey, described as follows:-

Beginning at a point in a southerly westerly line of lands conveyed to Joseph Bursztynski and Helen Bursztynski his wife by deed recorded in Erie County Clerk's Office in liber 5860 of Deeds page 365 on October 20, 1955, said southwesterly line being along the fifth course of the lands described in said deed above mentioned and said point of beginning being distant seventy-eight (78) feet southeasterly from the intersection of said fifth course of the lands described in deed above mentioned with the fourth course of the lands therein described running thence southeasterly parallel with the Hamburg Springville Road (U.S. Route No. 219) and along the fifth course of the lands described in deed above mentioned, one hundred fifty-two and fifty-five hundredths (152.55) feet to the terminus of said fifth course: thence northeasterly at an interior angle of 91° 57' and along the northwesterly line of lands deeded to William F. Henry Jr. and Bernice E. Henry his wife by deed recorded in said Clerk's Office in liber 4020 of Deeds page 562 on November 18, 1946, two hundred ninety-five (295) feet to a point in said line: thence northeasterly at an interior angle of 87° 52' one hundred forty-four and four tenths (144.4) feet: thence southwesterly at an interior angle of 93° 41', two hundred ninety-five (295) feet to the point of beginning
Excepting therefrom any property presently zoned Business B-1.

Dated: October 13, 1989

10-19 Joyce Carr
Town Clerk

November 1, 1989

this time, each individual is responsible for this disposal; for example, when purchasing new tires, it may be necessary to pay a fee to turn in the old ones. Councilman Wohlhueter said this is a problem that will be discussed at a Solid Waste meeting scheduled for November 13, 1989 at 7:00 P.M. at the Town Hall. He added that Donald Campbell, Coordinator of the South Towns Solid Waste Management Board, will be present to outline and discuss contract options in refuse and garbage disposal. Mr. Pfeffer asked if this meeting was open to the public and Councilman Wohlhueter said anyone was welcome to attend.

Sgt. John Fox, liaison to the Town Board from the Erie County Sheriff's Department, presented a monthly activity report of the town to Supervisor Kennedy.

At 8:00 P.M. a public hearing on the preliminary budget for the fiscal year beginning January 1, 1990 was held. The legal notice was read by Town Clerk Carr and Supervisor Kennedy opened the hearing.

There were no comments or questions on the proposed preliminary budget.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to close the public hearing at 8:06 P.M.

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1990 General Fund Budget be approved as follows:

Appropriations	\$837,420.00
Less Estimated Revenues	600,000.00
Less Unexpended Balance	187,000.00
Amount to be Raised by Tax	\$ 50,420.00

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the 1990 Highway Fund Budget be approved as follows:

Appropriations	\$599,700.00
Less Estimated Revenues	228,000.00
Less Unexpended Balance	60,000.00
Amount to be Raised by Tax	\$311,700.00

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the 1990 Fire Protection Budget be approved as follows:

Appropriations	\$212,832.00
Less Unexpended Balance	8,000.00
Amount to be Raised by Tax	\$204,832.00

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the 1990 Light District Budget be approved as follows:

Appropriations	\$ 19,800.00
Amount to be Raised by Tax	\$ 19,800.00

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that the 1990 Ambulance District Budget be approved as follows:

Appropriations	\$ 39,720.00
Amount to be Raised by Tax	\$ 39,720.00

five (5) ayes

Carried

**PUBLIC NOTICE
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, 1990 has been completed and filed in the office of the Town Clerk, where it is available for inspection by any interested person during regular office hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will meet and review said preliminary budget and hold a public hearing thereon at the Boston Town Hall, 8500 Boston State Road, at 8:00 P.M. Eastern Standard Time, on the 1st day of November, 1989 and that at such hearing any person may be heard in favor of or against the preliminary budget as compiled or for or against any items therein contained.

Pursuant to Section 103 of the Town Law, the proposed salaries of the following town officers are hereby as follows:

Supervisor	\$19,225.00
Councilman	5,300.00
Town Clerk	25,950.00
Superintendent of Highways	\$30,825.00

By Order of the Town Board
Dated: October 11, 1989

10-19 Joyce Carr
Town Clerk

November 1, 1989

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the 1990 Refuse and Garbage District Budget be approved as follows:

Appropriations	\$284,960.00
Less Unexpended Balance	65.00
Amount to be Raised by Tax	284,895.00

five (5) ayes Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the 1990 Sewer District #2 Budget be approved as follows:

Appropriations	\$ 1,198.50
Amount to be Raised by Tax	\$ 1,198.50

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter that the 1990 Water District #1 Budget be approved as follows:

Appropriations	\$ 29,886.20
Amount to be Raised by Tax	\$ 29,886.20

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that the 1990 Water District #2 Budget be approved as follows:

Appropriations	\$ 37,788.00
Amount to be Raised by Tax	\$ 37,788.00

five (5) ayes Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer that the Special Use Permit of John Dominkewicz, 8741 Cole Road, for the construction and operation of a 120 foot radio tower be renewed for a period of three years; said permit to expire on November 1, 1992.

five (5) ayes Carried

A letter was read that Supervisor Kennedy wrote to Melvin W. Kase at the Erie County Division of Highways on October 26, 1989, in which Mr. Kennedy stated that the county is responsible for all snow removal on Erie County highways within the Town of Boston until an acceptable reimbursement figure is agreed to and a new contract signed. A letter dated October 20, 1989 from Mr. Kase was also received, restating our position that the county roads will not be plowed by the town. A copy of a letter written to County Executive Gorski from President Jody Powley of the Emergency Squad on their concern about the lack of a contract was also read. Supervisor Kennedy stated that the county's offer to the towns for \$1050 per lane mile of snow and ice removal is unconscionable, especially since the county receives \$2000 per lane mile from the state for plowing state highways. He added that Legislator Leonard R. Lenihan, Chairman of the Erie County Finance and Management/Budget Committee, is receptive to increasing the rate paid to the towns. Mr. Kennedy will draft a letter to Erie County Executive Dennis Gorski relative to this matter and added that, prior to a signed contract, it may be necessary under an emergency snow situation to direct the Highway Superintendent to clear the roads, as no citizen of the town should be without fire or ambulance service. Attorney Perley said he delivered a letter to Erie County on October 20, 1989 stating the town's offer, on an interim basis prior to a contract agreement, to plow the county roads in the town, with the county's reimbursement on a time and materials basis. There has been no reply to this offer.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to make the following Transfers of Appropriations of the General Fund:

From: 1620.4 Buildings, Cont.	\$11,500.00
7310.4 Youth Program, Cont.	5,400.00
1990.4 Contingency, Cont.	373.00
7140.4 Park & Recreation Cen., Cont.	1,400.00

November 1, 1989

To: 7110.4 Parks, Cont.	\$ 8,000.00
1989.4 Unclassified, Cont.	3,500.00
7310.1 Youth Program, Per Serv.	5,400.00
9050.8 Unemploy. Insurance	180.00
1930.4 Judge. & Claims	193.00
7140.1 Parks & Rec Cent.-Pers.Serv.	1,400.00

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy said he received a hand delivered petition, with 28 signatures of residents on Haag, Feddick and Enser Road, requesting cable television service. Supervisor Kennedy referred this petition to Councilman Zimmerman and Attorney Perley, who are negotiating the renewal of the contract with Adelpia Cable. Supervisor Kennedy noted that every effort is being made to procure cable service for those residents who do not yet have it.

Supervisor Kennedy appointed Attorney Perley, Councilman Wittmeyer, Highway Superintendent Ruchalski and himself to a committee to review roads in the town that at the present time are dead-ended and do not have turnaround provisions for the highway equipment. He said that arrangements have been made to correct this situation on Dunn Road and Cloverfield Drive and are presently being discussed for George Drive, and the formation of this committee will ensure that all roads will be reviewed for adequate turnaround areas.

Tax Collector Carr reported that \$2,901,768.72 was collected for the 1989 Town and County taxes, leaving a balance to be collected of \$164,193.99. She also remitted a check in the amount of \$10,725.55, representing interest and penalties earned during the 1989 collection period.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to grant permission to the Boston Gourmet Club to use the Community Room at the Town Hall on Saturday, November 11, 1989 from 7:00-10:00 P.M. for a square dance; with permission also being given to serve wine and beer.

five (5) ayes

Carried

Town Justice Monthly Financial Report was received.

Attorney Perley said that he forwarded an affidavit to the law office of Paul Beltz relative to Helen Bell vs. the County of Erie and Town of Boston stating that both Taylor Road and Eckhardt Road are county roads and that now he is preparing, at their request, another affidavit to be signed by Highway Superintendent Ruchalski that the signage at that area is also the responsibility of the county, and not the town.

Attorney Perley reported that on June 27, 1989 Gregory Cavanaugh appeared before the Zoning Board of Appeals to request a variance of the requirement for frontage on a dedicated highway for the construction of a single-family home on Hillside Drive. At that time, upon consulting the county tax map which shows that this portion of Hillside is a private road, he rendered the opinion that a variance was required before Mr. Cavanaugh could obtain a building permit and after the public hearing, Mr. Cavanaugh was granted this variance. Since that time, Mr. Perley has conducted research on the deeding of Hillside Drive to the town and has determined that this north-south portion was deeded to the town at the same time the east-west portion of Hillside Drive was deeded on August 3, 1962 in Liber 6800 at Page 25. He has determined that the county tax map is in error, which necessitated Mr. Cavanaugh's variance request.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to refund \$100.00, the amount of the Zoning Board fee, to Gregory Cavanaugh, as it has been determined that a variance of the frontage requirements was not necessary; a letter of explanation and apology will accompany this check.

five (5) ayes

Carried

Councilman Wittmeyer told Norman Pfeffer that the problems he has been having at 7681 Boston State Road with numerous accidents has been discussed with Erie County Division of Highways and an on-site inspection made of the area with these representatives, with the intention of having a lower speed limit posted. Councilman Wittmeyer said they also discussed a "Deer Crossing" sign as numerous deer have been killed by motorists at this location.

November 1, 1989

Councilman Zimmerman said he is waiting for a reply from Joe Gerace at the New York State Office of Rural Affairs, relative to implementation of more stringent training and rules of operation for personnel involved with first aid. He added that Mr. Gerace was not aware of this problem until he received Mr. Zimmerman's letter and that he will report back as soon as possible.

Councilman Zimmerman reported that Adelphia Cable has agreed to expanding service to Zenner Road and Rockwood Road, at no expense to the homeowners.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Town Engineer Monthly Report was received.

Dog Control Officer's Monthly Report was received.

A letter was received from the Planning Board, advising that they have granted final site and landscaping plan approval to Gregory Gerwitz for the three family apartment building he is constructing at 7456 Boston State Road.

A motion was made by Councilman Wohlhueter and seconded by Supervisor Kennedy to adjourn at 8:43 P.M.



Joyce Carr
Town Clerk

Regular Meeting
November 15, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski. Councilman Don Wohlhueter was absent.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Regular Meeting of November 1, 1989 be approved.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the the General Fund and Special District Bills on Abstract #11A, November 15, 1989, in the amount of \$70,100.63, be paid.

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #11A, November 15, 1989, in the amount of \$9,983.56, be paid.

four (4) ayes

Carried

Received and filed Notice of Complaint in the matter of Dean L. Watkins vs. the Town of Boston; copies have been sent to the Town Attorney and the town insurance carrier. Letter was received from Cigna Property and Casualty Companies, stating they have referred this matter to an attorney to act on the town's behalf.

Received a copy of a resolution adopted by the Cheektowaga Town Board relative to extending National Red Ribbon Week through the month of November; this resolution deals with unity against drug and alcohol abuse.

RESOLUTION - EXTENSION OF RED RIBBON WEEK

Received and filed acknowledgement from Senator Alfonse D'Amato that he received Town of Boston resolution on HEAP proposed cuts.

Received acknowledgement from Governor Cuomo of receipt of the town's EMT Training Resolution. Supervisor Kennedy stated that acknowledgement from New York State Health Department has not yet been received.

Received a summary of meeting to be held on November 16, 1989 by the Rural Services Institute. Supervisor Kennedy said an extensive questionnaire has been completed and the grantspersons retained by the town will attend this meeting on its behalf.

Received notification from Niagara Frontier Transportation Authority that they are beginning a major study to review mass transit service. Supervisor Kennedy said he will keep the town informed if there are any meetings scheduled that will affect the bus service in town.

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to pay the New York State Retirement Fund \$21,150.00 from the General Fund and \$17,250.00 from the Highway Fund, or a total of \$38,400.00.

four (4) ayes

Carried

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy reported he attended a meeting with Highway Superintendent Ruchalski, representatives of other towns and representatives of the Erie County Legislature on November 14 relative to the county's snowplowing contracts with the towns. Mr. Kennedy said he is greatly concerned that the county waited until the eleventh hour to negotiate these contracts. Melvin Kase, Liaison to the towns from the County Highway Department, said contracts are in the mail and will be received by the towns on November 20, but until the lane mile reimbursement amount is resolved and the contracts signed, the towns will not plow any county roadways on advise of legal counsel for the Highway Superintendents Association. Highway Superintendent Ruchalski said that they will monitor emergency first aid and fire calls and will have snowfighting equipment ready to plow any road in town in order for this equipment to get through, which can be done on an emergency basis. Supervisor Kennedy said this issue must be resolved as soon as possible, in order to avoid any unnecessary burdens on the Town of Boston residents, who are paying for these services both in their county and in their town taxes.

November 15, 1989

At 7:45 P.M. a Public Hearing was held to consider the application of John Spors for a Special Use Permit to construct gasoline pumps at 7041 Boston Colden Road. Town Clerk Carr read the Legal Notice and said that notification of the application was made to Erie County Division of Planning, who replied with "No recommendation" and to property owners in the area, with no response received. A letter was read from the Planning Board, stating they have no objection to the installation of gasoline pumps, however, they request an opportunity to make a site plan review prior to the time of installation. Supervisor Kennedy opened the hearing for comments. Alton Trevett, 9170 Back Creek Road, said that the residents of the southern portion of town would certainly appreciate a modern, safely-run gasoline station in their area and said that this site was a gasoline station in the past. Mr. Trevett submitted a photograph of the station that was taken in approximately 1921 when it was owned and operated by his late father-in-law, Walter Gier, and asked if there was a "great-grandfather" clause in the town ordinances. There were no other comments or questions.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to close the public hearing at 7:58 P.M.

four (4) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski to grant the application of John Spors for a Special Use Permit to construct gasoline pumps at 7041 Boston-Colden Road, subject to site plan review by both the Town Board and the Planning Board prior to the installation of the pumps.

four (4) ayes

Carried

Upon the request of Town Clerk Carr, a motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to authorize the purchase of a computer system, with printer, at a total cost of \$1530.00.

four (4) ayes

Carried

At 8:00 P.M. a Public Hearing was held on Amendments to the Zoning Ordinance of the Town of Boston, proposed to amend Article III with a new definition of Lot Width and adding a new subsection 5 to Article V pertaining to the keeping of domestic honey bees. Supervisor Kennedy opened the hearing.

Timothy Dinse, 7146 Boston State Road, said the problem he has been having with his neighbor's beehives has diminished since a new survey showed some of the hives to be on the Dinse property, at which time they were relocated on the Faulring property. However, he said the bees' flight pattern still is over his property and he is concerned as his young children and visitors still get stung while in the back yard. He added he would like to see this amendment passed. Paul Rosiek, 7333 Woodland Drive, asked about the liability of a beekeeper. Attorney Perley said it would be difficult to prove that a bee that stung someone was from a particular domestic hive.

Supervisor Kennedy noted that property rights must be preserved, however, bees are also necessary. He said there are

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 1, 1989 at 7:45 P.M. Eastern Standard Time, to consider the application of John Spors for a Special Use Permit to construct gas pumps at 7041 Boston Colden Road.

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

By Order of the Town Board of the Town of Boston, New York.
Dated: October 23, 1989

Joyce Carr
Town Clerk

11-2

PUBLIC NOTICE
TOWN OF BOSTON
AMENDMENTS TO ZONING
ORDINANCE OF THE
TOWN OF BOSTON

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a public hearing on the 15th day of November, 1989 at 8:00 P.M. Eastern Time, in the Town Hall of the Town of Boston, 8500 Boston State Road, on the following proposed amendment to the Zoning Ordinance of the Town of Boston.

BE IT RESOLVED that the Zoning Ordinance of the Town of Boston be, and the same is hereby amended as follows:

ARTICLE II - Delete existing definition of Lot Width and add in its place and stead: Lot Width: The least horizontal distance across the lot between side lot lines measured at a distance from the front lot line equal to the required depth of front yard, provided however, in the case of an approved subdivision same may be measured from the building lines established as point of said subdivision on the map cover filed in the Office of the Erie County Clerk.

ARTICLE V**Section 5****Add new subsection.**

h. The keeping of domestic honey bees may be permitted by the Town Board after a public hearing held upon an application therefore, provided, however, that

(1) Permit for keeping of bees may not be granted for a period exceeding two (2) years.

(2) Determining whether or not such permit should be granted, the Town Board shall consider the following factors:

(a) The location of any beehive with respect to the boundary lines of the

property.

(b) The distance of any beehive from adjacent dwellings or other areas regularly used by adjoining landowners.

(c) Any other factors relating to the health, safety and convenience of the applicant and adjoining landowners and/or residents.

(3) The fee for such application shall be the same as for any permit under IX of this ordinance.

The amendment to this ordinance shall be effective as provided by law and shall be applicable to all applications or amendments to application for building permits filed after the adoption of this ordinance.

October 23, 1989

Joyce Carr
Town Clerk

11-2

November 15, 1989

persons in the community that have maintained domestic honey beehives for over 20 years and that some provision should be made in the proposed amendment for a waiver of the fee for the existing beekeepers. Attorney Perley will submit a proposed draft of an amendment that will include a provision for the waiver of fee for existing keepers.

Attorney Perley, in answer to a question, explained the proposed amendment concerning definition of Lot Width.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to close the public hearing at 8:23 P.M.

four (4) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy to delete the existing definition of Lot Width in Article III of the Zoning Ordinance and add in its place the following: Lot Width: The least horizontal distance across the lot between side lot lines measured at a distance from the front lot line equal to the required depth of front yard, provided, however, in the case of an approved subdivision same may be measured from the building lines established as part of said subdivision on the map cover filed in the Office of Erie County Clerk.

four (4) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to reserve decision on the adoption of Article V, Section 5, new subsection on the keeping of domestic honey bees, at least until the next Town Board meeting, in order to review a provision for the waiver of fees to existing beekeepers.

four (4) ayes

Carried

Highway Superintendent Ruchalski said that Liebler Road on the east hill and Shero Road on the west hill are the only town roads leading to the hilltops, therefore, they will be plowed by the town, all others are county roads. He encouraged calls to Commissioner Loffredo at Erie County Division of Highways relative to a speedy settlement in the negotiations.

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to adjourn at 8:28 P.M.



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 15th day of November, 1989 at 7:30 P. M. Eastern Standard Time, there were

PRESENT:	Richard L. Kennedy	Supervisor
	Milton I. Wittmeyer	Councilman
	David G. Zimmerman	Councilman
	Frank H. Lisowski, Jr.	Councilman

ABSENT:	Don A. Wohlhueter	Councilman
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Councilman Lisowski presented the following resolution and moved its adoption:

WHEREAS, alcohol and other drug abuse in this nation has reached epidemic stages, and the 15-24 year old age group is dying at a faster rate than any other age group, and

WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to reduce the demand for drugs, and

WHEREAS, the National Federation of Parents for Drug Free Youth and W.N.Y. United Against Drug and Alcohol Abuse are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug free lifestyles, and

WHEREAS, the National Red Ribbon Campaign was celebrated in every community in America during "Red Ribbon Week", October 22-29, 1989, and

WHEREAS, business, government, law enforcement, schools, religious institutions, Service organizations, youth, physicians, senior citizens, military, sports teams, and individuals demonstrated their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign, and

WHEREAS, the Town of Boston Town Board feels that the National Red Ribbon Campaign should be continued for the month of November, NOW, THEREFORE, BE IT

RESOLVED, that this Town Board hereby supports the National Red Ribbon Campaign and encourages our citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug free community, and BE IT FURTHER

RESOLVED that this Town Board requests the National Federation of Parents for Drug Free Youth and W. N. Y. United Against Drug & Alcohol Abuse to extend the National Red Ribbon Campaign for the month of November, and BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward a copy of this resolution to W.N.Y. United Against Drug & Alcohol Abuse and to other municipalities in Erie County.

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

Supervisor Kennedy
Councilman Wittmeyer
Councilman Zimmerman
Councilman Lisowski

Voting aye
Voting aye
Voting aye
Voting aye

AYES:

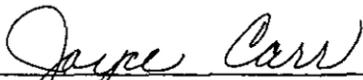
6

NOES:

0

ABSENT:

1



Joyce Carr, Town Clerk

Regular Meeting
December 6, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the Minutes of the Regular Meeting of November 15, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the Town Clerk's Monthly Report be accepted.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the General Fund and Special District Bills on Abstract #12, December 6, 1989, in the amount of \$35,448.62 be paid.

five (5) ayes

Carried

A motion was made by Councilman Lisowski and seconded by Supervisor Kennedy that the Highway Bills on Abstract #12, December 6, 1989, in the amount of \$7,850.43 be paid.

five (5) ayes

Carried

Received and filed letter of support from County Executive Dennis Gorski of jury duty exemption of Emergency Medical Technicians. Mr. Gorski also enclosed a copy of a letter he sent to Assemblyman Paul Tonko, Chairman of the Assembly Committee on Volunteer Firemen, which requested he consider this matter.

Received and filed notification from Erie County Division of Highways that the load limit posting for the Trevett Road bridge has been raised to twenty tons, due to repairs recently completed. It was noted that Hamburg Fire Control has been notified of this change.

Received notification of a public hearing relating to a review of the Concord Agricultural District. Supervisor Kennedy said he was unable to attend the hearing, however he contacted Chet C. Zandzinski by telephone and by letter with the recommendation that the Palmer property at Zimmerman and South Feddick Road be deleted from the Agricultural District as the farm has been divided into numerous parcels for residential use.

Received and filed a letter from the Town of Amherst relative to the Section 8 Program of the Erie County Consortium and a complaint relative to residence-preference of federal housing subsidies to low income families they received.

Sgt. Fox of the Erie County Sheriff's Department submitted the November status report of the department, which covers all calls made in the Town of Boston.

Received a letter from Erie County Division of Highways stating they have reviewed the town's request for signage in the area of 7681 Boston State Road and feel that the curve in the vicinity does not meet the criteria for signing. They requested any information or reports of accidents in this area and said they will try to identify some countermeasure. Councilman Wittmeyer said he contacted Norman Pfeffer at 7681 Boston State Road, and Mr. Pfeffer is compiling a list of accidents and near-accidents at this location and this list will be sent to the Division of Highways for their review.

RESOLUTION - 1989-90 SNOW REMOVAL CONTRACT WITH ERIE COUNTY

Received a lengthy letter from Robert Elling of the New York State Emergency Medical Services Program in response to the town's resolution against advanced training courses; this letter is on file in the Town Clerk's Office. A letter was read that was sent to Senator William T. Stachowski from Michael Gilbertson, Director of the Emergency Medical Services Program, outlining the emergency medical technician course. Supervisor Kennedy directed Councilman Zimmerman to contact Robert Keel of the Boston Emergency Squad to review these letters with him to

December 6, 1989

determine if the responses received are satisfactory to the squad.

PROCLAMATION - "DRUNK AND DRUGGED DRIVING AWARENESS WEEK"

Received a letter from People, Inc. of notification of their interest and intent to establish a 10-bed supervised community residence for developmentally disabled persons on Boston State Road. Supervisor Kennedy said he has been unable to contact James M. Boles, Executive Director, by phone to discuss this proposal in further detail. He added that at one time there was a community residence on Rice Road, which was closed for economic considerations and that there is a definite difficulty in a residence of this type locating here, due to the limits on public transportation and the availability of a shopping area within walking distance to most of the town. Supervisor Kennedy said he will report further on this request when he receives more information.

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to adopt a new subsection (h) to Section 5 of Article V of the Zoning Ordinance of the Town of Boston, dealing with the keeping of domestic honey bees, as tabled from the public hearing held on November 15, 1989.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to award the contract for medical insurance for Town of Boston fulltime employees to Blue Cross of Western New York, Inc., effective January 15, 1990; with the summary of benefits to be included as part of the Minutes of this meeting.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wohlhueter to schedule the final Town Board meeting for the year at 9:00 A.M. on Friday, December 29, 1989.

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Wittmeyer to authorize the placement of a fire hydrant in the vicinity of 8073 Back Creek Road; said hydrant to be located at the end of the waterline.

five (5) ayes

Carried

Supervisor's Monthly Financial Report was received.

Supervisor Kennedy said he received notification from the State Board of Equalization and Assessment that the final rate for the 1989 Assessment Roll of the Town of Boston is set at 103.46.

Supervisor Kennedy read a letter he received from County Executive Dennis Gorski which states an expenditure of \$50,000 has been approved for a county-wide volunteer firefighter recruitment program and that April, 1990 will be declared Volunteer Firefighter Recruitment Month in Erie County.

Supervisor Kennedy read a letter received from Adelpia Communications relative to their compliance with the FCC's syndicated exclusivity rules that are scheduled to take effect January 1, 1990. These rules may require Adelpia to black out some cable programs, due to local broadcasters having exclusive rights in the area.

Town Justice Monthly Financial Report was received; a new record was set of over \$20,000 in fines remitted to the state in November.

Upon the recommendation of Highway Superintendent Ruchalski, a motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman to appoint Wayne Kreitzbender as Working Crew Chief, effective December 7, 1989, for the balance of the year 1989, at the pay rate of \$10.81 per hour.

five (5) ayes

Carried

Upon the recommendation of Highway Superintendent Ruchalski, a motion was made by Councilman Lisowski and seconded by Councilman Zimmerman to appoint Ronald Smolinski as an MEO Trainee, effective December 7, 1989, at the beginning rate of \$6.50 per hour.

five (5) ayes

Carried

December 6, 1989

Attorney Perley said he received a Summons and Complaint in the matter of Tater vs. the Town of Boston, relative to a 9-1-1 lawsuit and that in speaking to the attorney on this matter he determined that no action will be taken on this lawsuit until after a disposition of the criminal charges have been made that are pending. Attorney Perley sent a copy of the Summons and Complaint to the insurance carrier for the town.

Councilman Lisowski asked that consideration be given to establishing some "No Parking" areas for the general public at the Town Hall, in order to reserve some space for Town Board members to park when they have meetings on the same night in which court is in session.

Councilman Wittmeyer said he received a letter this date from Tops Markets, Inc. stating they approve the installation of the senior citizens' walkway between the B-Kwik Plaza and the senior citizens housing. Councilman Wittmeyer said he also spoke with Bob Marean, owner of B-Kwik, and he will discuss the construction of the walkway with the Town Board at their convenience. Supervisor Kennedy said that when the weather is conducive, the construction can begin. Councilman Wittmeyer asked that the relocation of the fire hydrant in this area should also be considered when the walkway is being constructed.

Code Enforcement Officer and Deputy Code Enforcement Officer Monthly Reports were received.

Town Engineer Monthly Report was received.

Dog Control Officer Monthly Report was received.

A letter was received from the Planning Board stating they are cancelling their December meetings.

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 8:12 P.M.



Joyce Carr
Town Clerk



SUMMARY OF BENEFITS PROVIDED BY
TOWN OF BOSTON
GROUP HEALTH INSURANCE PROGRAM

BLUE CROSS BASIC HOSPITAL INSURANCE

The benefits are as follows:

Days	365 days, another 365 become available each time you have been out of the hospital at least 90 days. In addition, during each calendar year, each covered person is entitled to up to 30 days hospital service for nervous and mental disorders.
Board and Room	Full semi-private (2 to 4 beds) regardless of charge.
Private Room Allowance	Credit of average semi-private charge of admitting hospital.
General Nursing	In full
Ancillary Services When Billed by the Hospital	In full
1) Operating room, recovery room, cystoscopic room and equipment.	
2) Use of intensive care or special care units and equipment.	
3) Diagnostic and therapeutic items such as drugs, medicines, intravenous preparations and vaccines.	
4) Dressings and plaster casts.	
5) Supplies and use of equipment in connection with oxygen, anesthesia, physiotherapy, chemotherapy, EKG, EEG, X-ray examination, radiation therapy, laboratory and pathological examinations and blood products (when not billed by a doctor).	



BLUE CROSS BASIC HOSPITAL INSURANCE (CONT'D)

- 6) Administration of oxygen, physiotherapy, laboratory and pathological examinations when such services are rendered by an employee of the hospital.
- 7) Any additional medical services and supplies which are customarily provided by hospitals except medical services in connection with the administration of anesthesia, chemotherapy, EKGs, EEGs, X-ray examinations and radiation therapy.

Obstetrical Care

365 days in full (acute care)

Hospital service for obstetrical care and for any condition arising out of or during pregnancy, including ordinary nursery care for the newborn infant during the confinement of the mother covered under the contract. A family contract continues coverage for the newborn child beyond the ordinary nursery care.

Home Health Care

365 visits per calendar year

Certain health care services in the home are included when prescribed by a doctor and provided by a hospital and/or a non-profit or Public Home Health Agency which is certified to provide home health services under the provision of the Public Health Law of the State of New York.

Hospital Outpatient Benefits

- a) Emergency care rendered within 72 hours after an accidental injury or within 72 hours after the onset of a condition which required emergency care.
- b) An outpatient visit when both the operating room and anesthesia are used.
- c) Pre-admission tests when ordered by a doctor as a planned preliminary to an inpatient admission to a participating hospital.

For services under this contract, present your Blue Cross Identification Card at the time of admission. Most hospital claims are billed directly to the Plans by the provider of services, thus eliminating any claim expense to the employer. Payments are made directly to the participating provider. When the provider is non-participating, payments are made directly to the subscriber.

BLUE CROSS SELECT 90/91 BASIC MEDICAL INSURANCE

General benefits provided under this contract include payment in full to participating Blue Cross of Western New York, Inc. doctors, according to a schedule of allowances.

Surgery

Second Surgical Opinion

Assistance at Surgery

Anesthesiology

Radiology - X-rays, radiation or radioactive material for treatment or diagnosis in or out of the hospital, including "CAT" scans performed by a doctor at a facility approved under State law to perform such studies. Routine, comparative, TB, fluoroscopy and dental X-rays are not covered.

Ultrasound which is medically necessary, such as in pregnancy complications; not routine screening to determine pregnancy.

Maternity, including pre and postnatal care. Also abortion and miscarriage.

Initial Newborn Child Examination

Hospital Visits by a doctor. Daily visits, up to 365 visits.

Prolonged Bedside Care by a doctor may be approved in place of daily visits if we determine such care is necessary.

Consultations by one or two doctors during hospitalization, if needed and the consultant does not render further care.

Electrocardiograms (EKG) when hospitalized.

Electroencephalograms (EEG) when hospitalized.

Outpatient Diagnostic Tests, up to \$100 per member per calendar year (urinalysis, complete blood count, red cell count, white cell and differential are not covered).

Cardioversion at a hospital to correct an abnormal heartbeat.

Participating doctors of Blue Cross of Western New York will bill Blue Cross directly for the above services and accept our payment as payment-in-full. If you use a non-participating doctor, you must submit an itemized bill to Blue Cross and we will send you a check for the same amount we would pay a participating doctor. A non-participating doctor may ask you to pay any balance above the schedule of allowances.

BLUE CROSS BASIC HOSPITAL INSURANCE (CONT'D)

BLUE CROSS PARTICIPATING HOSPITALS

All hospitals in the eight counties of Western New York are Participating Hospitals with Blue Cross of Western New York, Inc. The benefits listed will apply in these Participating Hospitals. When a subscriber is admitted to a hospital outside of our area, the member receives the benefit customarily provided by the Plan where he is hospitalized for the number of days, and subject to the exclusions and limitations of our contract, provided that the admitting Hospital is a Participating Hospital of that Blue Cross Plan.

BLUE CROSS NON-PARTICIPATING HOSPITALS

When a member is admitted to a hospital outside of the Western New York area which is not a Blue Cross Participating Hospital, benefits are provided in an amount equal to 80% of the hospital's daily room charge plus 80% of the hospital's charges for other listed Blue Cross benefits.

BLUE CROSS 90/91 MEDICAL RIDERS

BC Rider 21 - Adds mental health care
benefits.

Provides coverage for specified mental
health care services provided by
psychiatrists, psychologists, or
psychiatric social workers (with 6 or
more years of experience). Combined
inpatient/office/outpatient maximum of
\$500 per member per calendar year.

BLUE CROSS
\$1,000,000 MAJOR MEDICAL RIDER

BENEFIT ITEM

Maximum Liability

\$1,000,000 lifetime per member. Rider limits are in addition to basic coverage.

Deductible

\$50 per calendar year (maximum 2 per family).

Coinsurance

Plan pays 80% of the covered benefits in any calendar year. When during a calendar year we have paid \$2,000 for a single or \$4,000 for a family, then for the remainder of that calendar year our payment for that person or family will be 100% of the covered benefits.

Inpatient Hospital Service

Benefit Period

Full coverage for hospitalization which continues beyond the 365 days provided by the Basic Blue Cross Contract. Semi-private accommodations.

Mental & Nervous

Full coverage for days beyond the 30 days in basic contract.

Skilled Nursing Facility

Full coverage when admitted within 30 days of discharge from a hospital if continued skilled nursing care and/or skilled rehabilitative care is medically necessary. Use of non-participating SNF is paid at 80% of the usual and customary charges. Maximum 200 days lifetime.

Hospital Medical Visits

Commencing with 366th day; subject to deductible and coinsurance.

Diagnostic Laboratory Service

After basic benefit is used; subject to deductible and coinsurance.

Physician's Office and
Home Visits

Hospitalization not a prerequisite; subject to deductible and coinsurance. For any illness; not routine physicals or well-baby visits.

Prescription Drugs

Hospitalization not a prerequisite; subject to deductible and coinsurance. For any illness. Member may submit \$3.00 Rx Co-pay to Major Medical.

Psychiatric Care

Doctor office visits limited to \$25 per psychiatric care visit and further limited to \$1,000 per member per calendar year. Inpatient and other services subject only to deductible and coinsurance; no annual limit.

Some Other Services

Outpatient physical therapy and electrocardiograms, local ambulance, emergency room examinations, and rental of medical supplies; all if prescribed by a physician and/or medically necessary. Private duty nursing if determined by Blue Cross to be medically necessary. Limited to 750 hours lifetime. All subject to deductible and coinsurance.

BLUE CROSS
\$1,000,000 MAJOR MEDICAL RIDER (CONT'D)

The Benefit Period is from January 1 to December 31 of each year. The first benefit period for a subscriber begins on the effective date of subscriber coverage. An expense is incurred on the date for which the charge is made and service is received or rendered.

Major Medical benefits for doctor's services and other health care services are subject to the satisfaction of yearly deductible. This deductible depends upon the option selected by the Group. Each individual must satisfy this annual deductible, except that in any family, no more than two deductibles must be satisfied in a given calendar year. Two or more family members injured in a common accident shall only be made to satisfy one deductible. Expenses incurred during October, November and December of a given calendar year which are applied against that year's deductible may be carried over and also applied against the next succeeding year's deductible.

BLUE CROSS PRESCRIPTION DRUG PROGRAM

\$3.00 Co-Pay
Without Contraceptives

WHAT THE PROGRAM COVERS

1. All legend drugs dispensed under a prescription, up to a maximum of a 34 day supply. A legend drug is simply a compound or substance which by law may be dispensed only by prescription.
2. Insulin.
3. Covered chronic drugs up to 100-unit doses for each prescription.
4. Legend drug prescriptions that the law permits to be prescribed over the telephone.
5. Refill prescriptions authorized by your doctor for up to one year.
6. Prescriptions for contraceptive drugs if special coverage is included in your Group's plan.

HOW THE PROGRAM WORKS

Each subscriber of a group plan will be issued a special Blue Cross Prescription Drug identification card. This card is presented at a Participating Pharmacy. A Blue Cross Participating Pharmacy within our Western New York service area can be identified by a special Blue Cross Prescription Drug window emblem. Outside of Western New York, the Prescription Drug card is honored nationwide at ProServ Participating Pharmacies displaying a ProServ window emblem.

The Pharmacy makes out a simple claim form which you sign. These forms are maintained by the Pharmacy and submitted to Blue Cross by the Pharmacy for payment.

Should you have a prescription filled at a non-participating pharmacy, it will be necessary for you to send the itemized bill to Prescription Drug Program, Blue Cross of Western New York, Inc., P.O. Box 80, Buffalo, New York 14240-0080. In this case, a reimbursement will be sent directly to you. Blue Cross will reimburse you for 75 percent of the usual and ordinary charges, as determined by Blue Cross, less the \$3.00 co-pay.

THIS INFORMATION IS PROVIDED FOR YOU AS A SUMMARY OF BENEFITS. IT IS NOT INTENDED TO BE A CONTRACT. THE TERMS OF THE CONTRACT WILL PREVAIL IN ALL SITUATIONS.

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, in said Town on the 6th day of December, 1989, at 7:30 P. M. Eastern Standard Time, there were present:

Richard Kennedy	Supervisor
Milton Wittmeyer	Councilman
David Zimmerman	Councilman
Don Wohlhueter	Councilman
Frank Lisowski, Jr.	Councilman

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

BE IT RESOLVED, that the Supervisor for the Town of Boston is hereby authorized to execute the Agreement with the County of Erie providing for the removal of snow on County roads in the Town of Boston as listed in the Agreement for the Period 1989-90 at a rate per lane mile as established by the Erie County Legislature.

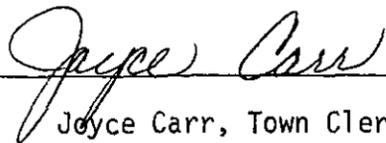
Seconded by Councilman Wohlhueter and duly put to a vote, which resulted as follows:

Supervisor Kennedy	Voting	aye
Councilman Wittmeyer	Voting	aye
Councilman Zimmerman	Voting	aye
Councilman Faulring	Voting	aye
Councilman Wohlhueter	Voting	aye

AYES: 5

NOES: 0

ABSENT: 0


Joyce Carr, Town Clerk

TOWN OF BOSTON



PROCLAMATION

WHEREAS, drunk driving crashes are the cause of death for approximately 23,000 people in the United States yearly; and

WHEREAS, in addition, thousands of people are seriously injured and maimed by the drunk and drugged driver; and

WHEREAS, we need informed, concerned citizens who would be willing to help reduce the needless deaths and injuries by taking personal responsibility as drivers, hosts and hostesses, and by devoting time and effort to upgrading community programs; and

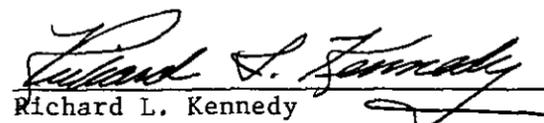
WHEREAS, an increase in public awareness of the problem of drunk and drugged driving may help sustain current efforts to develop comprehensive solutions at the county and local levels;

NOW, THEREFORE, I, Richard L. Kennedy, Supervisor of the Town of Boston, do hereby proclaim the week of December 10 to December 16, 1989 to be

"DRUNK AND DRUGGED DRIVING AWARENESS WEEK"

in

the Town of Boston


Richard L. Kennedy
Supervisor

Date: December 6, 1989

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 6th day of December, 1989 at 7:30 P. M. Eastern Standard Time, there were present:

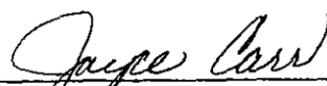
Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

Supervisor Kennedy presented the following resolution and moved its adoption:
RESOLVED, to authorize the placement of a fire hydrant in the vicinity of 8073 Back Creek Road; and said hydrant to be located at the end of the waterline.

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

Supervisor Kennedy	Voting <u>aye</u>
Councilman Wittmeyer	Voting <u>aye</u>
Councilman Zimmerman	Voting <u>aye</u>
Councilman Wohlhueter	Voting <u>aye</u>
Councilman Lisowski	Voting <u>aye</u>

AYES: 5 NOES: 0 ABSENT: 0


Joyce Carr, Town Clerk

Regular Meeting
December 20, 1989

Town Hall
7:30 P.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer that the Minutes of the Regular Meeting of December 6, 1989 be approved.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Wittmeyer that the General Fund and Special District Bills on Abstract #12A, December 20, 1989, in the amount of \$15,841.78 be paid.

five (5) ayes

Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Zimmerman that the Highway Bills on Abstract #12A, December 20, 1989, in the amount of \$8,898.44 be paid.

five (5) ayes

Carried

Received from the Erie County Board of Elections the results of the General Election that was held on November 7, 1989, as follows:

Supervisor	Richard L. Kennedy
Councilman	Milton I. Wittmeyer
Councilman	David G. Zimmerman
Town Clerk	Joyce A. Carr
Town Justice	Robert W. Tills
Town Superintendent of Highways	Eugene E. Ruchalski

Supervisor Kennedy said these newly elected officials will take the oath of office on January 1, 1990 at 1:00 P.M. at the Town Hall, with Judge Joseph S. Mattina administering the oath. Supervisor Kennedy said all residents of the town are invited to attend and refreshments will be served.

Received November, 1989 Sheriff's Activity Report. Supervisor Kennedy said this is on file in the Town Clerk's Office and expressed appreciation to the Sheriff's Department for keeping the town informed of their activities.

Received and filed from the New York State Office for the Aging approval of 1990 state aid for the Senior Citizens Recreation Program in the amount of \$2342.00.

Received from Adelphia Cable Communications a check in the amount of \$6,918.69, representing payment of the franchise fees for the period from April 1 through September 30, 1989, based on gross revenues at three percent.

Attorney Perley said he has submitted a list of streets to Adelphia Cable that have been requested by residents of the town to be included for service and that these streets, if approved, will be included in the franchise renewal agreement.

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to schedule an auction for the sale of the old highway garage for Saturday, February 10, 1990 at 10:00 A.M. at the site of the garage at 8321 Boston State Road, with a minimum starting bid of \$110,000. Prior to that date, Attorney Perley will obtain a survey of the property so that arrangements for a transfer of a portion of the land can be made with Patchin Fire Company.

five (5) ayes

Carried

Received and filed an Approval of Completed Works for the water supply improvement to the Kopczynski property at 6415 Omphalius Road from the Erie County Department of Health. This project was the installation of 300± feet of 8 inch waterline, with hydrant.

RESOLUTION - WATER DISTRICT #1 DELINQUENT WATER BILL

A motion was made by Councilman Lisowski and seconded by Councilman Wittmeyer to authorize the Supervisor to contract with a certified public accountant to furnish an audit of the federal monies received by the town, which is required

December 20, 1989

because more than \$25,000 was received in 1988; with the cost not to exceed \$1900.00.

five (5) ayes

Carried

Supervisor Kennedy said he, together with Town Clerk Carr and Attorney Perley, is formulating a reply to a request by the Boston Chamber of Commerce to use the town park grounds for a craft fair in the summer of 1990.

Upon the recommendation of Highway Superintendent Ruchalski, a motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman to appoint Mark Brock to the fulltime position of MEO Trainee, effective December 21, 1989, at the rate of \$6.50 per hour.

five (5) ayes

Carried

Attorney Perley reported that he does not expect discontinuance of the Notice of Claim filed in the matter of Tater vs. the Town of Boston until after the criminal charges are no longer pending. He also said he expects a discontinuance of the town's portion of the claim filed for the accident that occurred at Taylor and Eckhardt Road.

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to appoint James Smolinski to the Planning Board, term to expire February 1, 1994.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski to adjourn at 7:53 P.M.



Joyce Carr
Town Clerk

TOWN OF BOSTON



At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, in said town on the 20th day of December, 1989 at 7:30 P. M. Eastern Standard Time.

The meeting was called to order by Supervisor Kennedy and upon roll being called, there were present:

Richard L. Kennedy	Supervisor
Milton I. Wittmeyer	Councilman
David G. Zimmerman	Councilman
Don A. Wohlhueter	Councilman
Frank H. Lisowski, Jr.	Councilman

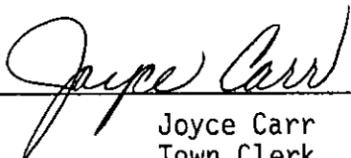
The following resolution was offered by Councilman Lisowski who moved its adoption, seconded by Councilman Wohlhueter, and unanimously carried.

WHEREAS, Section 198 of the Town Law provides that unpaid water charges shall be a lien upon real property upon which or in connection with which the water was used, and

WHEREAS, Water District Number 1, Town of Boston, Erie County, New York, has pursuant to its lease management agreement, reimbursed the Erie County Water Authority the amounts shown on Schedule "A", annexed, for said unpaid water charges, and said charges are now outstanding,

NOW, THEREFORE, BE IT RESOLVED, that the unpaid water charges as itemized on attached Schedule "A" be made a part of these minutes and they be assessed against the respective properties as shown thereon and that the respective amounts be levied and collected with the 1990 taxes upon each respective parcel of real property in the Town of Boston and when collected, the same amount shall be paid to said Water District Number 1, Town of Boston.

FURTHER RESOLVED, that a copy of this resolution be forwarded to the County of Erie, Department of Finance.



Joyce Carr
Town Clerk

SCHEDULE "A"

<u>TAX ACCOUNT NUMBER</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>AMOUNT OF LEVY</u>
226.01-1-22	John Marschner	5256 Glenn Terrace	\$122.09

Special Meeting
December 29, 1989

Town Hall
9:00 A.M.

Present were Councilman Milton Wittmeyer, Councilman David Zimmerman, Councilman Don Wohlhueter, Councilman Frank Lisowski, Supervisor Richard Kennedy, Town Attorney Michael Perley and Highway Superintendent Eugene Ruchalski.

A motion was made by Councilman Wittmeyer and seconded by Councilman Lisowski that the Minutes of the Regular Meeting of December 20, 1989 be approved.

five (5) ayes Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Zimmerman that the General Fund and Special District Bills on Abstract #12B, December 29, 1989, in the amount of \$7,443.52 be paid.

five (5) ayes Carried

A motion was made by Councilman Lisowski and seconded by Councilman Zimmerman that the Highway Bills on Abstract #12B, December 29, 1989, in the amount of \$1,354.86 be paid.

five (5) ayes Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer to make the following General Fund Transfers of Appropriations:

GENERAL FUND
TRANSFERS OF APPROPRIATIONS

FROM:	A 1910.4 Unal Insur	6,800.00
	1990.4 Contingent	800.00
	3310.4 Traffic Control, Cont	1,150.00
	8020.4 Planning, Cont	<u>4,700.00</u>
		13,450.00

TO:	A 1110.1 Town Justice, PS	1,300.00
	1110.4 Town Justice, Cont	500.00
	1220.1 Supervisor, PS	300.00
	1220.4 Supervisor, Cont	250.00
	1620.1 Buildings, PS	500.00
	1620.4 Buildings, Cont	3,000.00
	1989.4 Unclassified	1,000.00
	3510.1 Cont of Dogs, PS	50.00
	3620.1 Safety Inspec, PS	150.00
	5182.4 Steet Lighting, Cont	2,800.00
	7110.1 Parks, PS	600.00
	7510.4 Historian, Cont	50.00
	7620.4 Adult Rec, Cont	200.00
	8020.1 Planning, PS	100.00
	9030.8 Soc. Sec.	1,500.00
	9710.7 Interest, Bonds	<u>1,150.00</u>
		13,450.00

five (5) ayes Carried

A motion was made by Councilman Wittmeyer and seconded by Councilman Wohlhueter to make the following Fire Protection District Transfer of Appropriations:

FIRE PROTECTION DISTRICT
TRANSFER OF APPROPRIATIONS

FROM:	Estimated Revenue	
	SF 2401 Interest & Earnings	2,200.00
	SF 9040.8 Comp Insur	<u>3,400.00</u>
		5,600.00

TO:	SF 3410.4 Fire Protection	5,600.00
-----	---------------------------	----------

five (5) ayes Carried

December 29, 1989

A motion was made by Councilman Lisowski and seconded by Councilman Wohlhueter to make the following Water District #1 Transfers of Appropriations:

WATER DISTRICT #1
TRANSFERS OF APPROPRIATIONS

FROM: Estimated Revenue		
SW1 2401 Interest & Earnings		4,300.00
Appropriated Fund Balance		1,200.00
SW1 8340.4 Trans & Dist, Cont		<u>20,000.00</u>
		25,500.00
TO: SW1 8340.2 Trans & Dist, Eq.		25,500.00

five (5) ayes

Carried

A motion was made by Councilman Zimmerman and seconded by Councilman Lisowski to make the following Highway Fund Transfers of Appropriations and Appropriation of Excess Revenue and Fund Balance:

HIGHWAY FUND
TRANSFERS OF APPROPRIATIONS
AND
APPROPRIATION OF EXCESS REVENUE AND FUND BALANCE

FROM: DA 5110.1 Gen Repairs, PS		1,527.29
5130.2 Machinery, Eq		3,961.18
5140.1 Misc, PS		1,875.72
9030.8 Social Security		900.00
9055.8 Disability		80.53
9730.7 Interest		287.28
Estimated Revenue		
DA 2300 Serv for oth Gov'ts		3,100.00
2401 Interest & Earn		6,500.00
2650 Sale of Scrap		110.00
2801 Interfund Revenue		8,000.00
3501 State Aid		6,306.00
5031 Interfund Transfer		2,284.00
Appropriated Fund Balance		<u>7,798.00</u>
		42,730.00
TO: DA 5110.4 Gen Repairs, Cont		1,070.00
5112.2 Capital Outlay		10,200.00
5130.4 Machinery, Cont		25,000.00
5140.4 Misc, Cont		1,200.00
5142.4 Snow Removal, Cont		1,500.00
5148.4 Serv Oth Govt's, Cont		2,000.00
9040.8 Compensation		440.00
9060.8 Hosp & Med Insur		<u>1,320.00</u>
		42,730.00

five (5) ayes

Carried

A motion was made by Supervisor Kennedy and seconded by Councilman Zimmerman that the Umbrella Liability insurance for 1990, in the amount of \$2,000,000.00, be approved with Twin City Fire Insurance Company, with United Insurance Agency, Inc. as agent.

five (5) ayes

Carried

December 29, 1989

A motion was made by Councilman Zimmerman and seconded by Councilman Wohlhueter to approve the Commercial Package, Automobile and Crime insurance with CIGNA, with United Insurance Agency, Inc. as agent for 1990.

five (5) ayes

Carried

A motion was made by Councilman Wohlhueter and seconded by Councilman Lisowski that Workman's Compensation insurance for 1990 be provided for town employees, volunteer firemen and the Boston Emergency Squad, with State Insurance Fund as carrier.

five (5) ayes

Carried

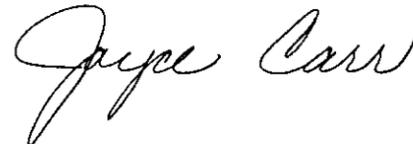
A motion was made by Councilman Zimmerman and seconded by Councilman Wittmeyer that Accident insurance for 1990 for the Boston Emergency Squad be provided, with Wilbur Lehning as Agent.

five (5) ayes

Carried

Supervisor Kennedy said there is a substantial surplus in the General Fund for 1989 that will be transferred to the 1990 General Fund and that, although the Highway Fund is somewhat overspent for 1989, the surplus that was carried from 1988's Highway Fund was sufficient to cover the expenditures.

A motion was made by Supervisor Kennedy and seconded by Councilman Lisowski to adjourn at 9:19 A.M.



Joyce Carr
Town Clerk

TOWN BUDGET

FOR 1990

TOWN OF BOSTON

IN

COUNTY OF ERIE

CERTIFICATION OF TOWN CLERK

I, Joyce Carr, Town Clerk, certify
that the following is a true and correct of the 1990 budget
of the TOWN OF BOSTON as adopted by the Town Board on the
1st day of November, 1990.

Signed, Joyce Carr
Town Clerk

Dated November 2, 1989

SUMMARY OF TOWN OF BOSTON BUDGET - 1990

	APP/OTH USES	-EST REVENUE	-UNEXP BAL	RSD BY TAX
A GENERAL	837,420.00	600,000.00	187,000.00	50,420.00
DA HIGHWAY	599,700.00	228,000.00	60,000.00	311,700.00
SF FIRE PROTEC	212,832.00	0.00	8,000.00	204,832.00
SL LIGHT	19,800.00	0.00	0.00	19,800.00
SM AMBULANCE	39,720.00	0.00	0.00	39,720.00
SR REFUSE & GARB	284,960.00	0.00	65.00	284,895.00
SS SEWER #2	1,198.50	0.00	0.00	1,198.50
SW WATER #1	29,886.20	0.00	0.00	29,886.20
SW WATER #2	37,788.00	0.00	0.00	37,788.00
TOTALS	2,063,304.70	828,000.00	255,065.00	980,239.70 980,239.70

(3)

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GENERAL GOVERNMENT SUPPORT - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 90	ADOPT 90
TOWN BOARD					
Pers Serv	1,010.1	18,800	20,000	21,200	21,200
Contractual	1,010.4	1,416	2,800	2,800	2,800
Total		20,216	22,800	24,000	24,000
JUSTICE					
Pers Serv	1,110.1	27,705	29,500	32,250	32,250
Contractual	1,110.4	4,486	4,650	5,200	5,200
Total		32,191	34,150	37,450	37,450
SUPERVISOR					
Pers Serv	1,220.1	29,179	31,280	32,520	32,520
Equipment	1,220.2	0	1,220	1,475	1,475
Contractual	1,220.4	2,045	2,500	2,500	2,500
Total		31,224	35,000	36,495	36,495
ASSESSOR					
Pers Serv	1,355.1	21,654	23,770	26,130	26,130
Equipment	1,355.2	0	500	500	500
Contractual	1,355.4	6,171	8,000	9,500	9,500
Total		27,825	32,270	36,130	36,130
TOWN CLERK					
Pers Serv	1,410.1	36,188	39,150	41,200	41,200
Equipment	1,410.2	0	1,800	2,000	2,000
Contractual	1,410.4	3,337	6,000	6,300	6,300
Total		39,525	46,950	49,500	49,500
ATTORNEY					
Pers Serv	1,420.1	20,000	24,100	26,250	26,250
Contractual	1,420.4	1,369	1,800	2,000	2,000
Total		21,369	25,900	28,250	28,250
ENGINEER					
Contractual	1,440.4	1,475	2,000	3,000	3,000
Total		1,475	2,000	3,000	3,000
ELECTIONS					
Contractual	1,450.4	8,025	5,650	5,970	5,970
Total		8,025	5,650	5,970	5,970
BUILDINGS					
Pers Serv	1,620.1	4,104	4,000	5,000	5,000
Equipment	1,620.2	1,504	2,000	2,000	2,000
Contractual	1,620.4	24,796	30,000	31,000	31,000
Total		30,404	36,000	38,000	38,000
CENT GARAGE					
Equipment	1,640.2	0	0	0	0
Contractual	1,640.4	489	0	1,500	1,500
Total		489	0	1,500	1,500

(4)

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GENERAL GOVERNMENT SUPPORT - 1990 BUDGET

CENT COMMUN					
Equipment	1,650.2	0	0	0	0
Contractual	1,650.4	0	0	350	350
Total		0	0	350	350
CENT PR & MAIL					
Contractual	1,670.4	3,110	3,500	3,750	3,750
Total		3,110	3,500	3,750	3,750
SPECIAL ITEMS					
Unalloc Insur	1,910.4	86,879	83,000	78,000	78,000
Munic Assn Dues	1,920.4	726	1,000	1,200	1,200
Judge & Claims	1,930.4	20	175	1,360	1,360
Purchase/Land	1,940.4	0	0	8,000	8,000
Tx&Asses Tn Prop	1,950.4	2,742	3,500	3,700	3,700
Unclassified	1,989.4	0	0	12,500	12,500
Contingent Acct	1,990.4	0	14,540	20,000	20,000
Total		3,488	19,215	124,760	124,760
TOTAL GEN GOVT SUPPORT		43,671	60,145	389,155	389,155

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PUBLIC SAFETY - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 90	ADOPT 90
POL & CONSTABLES					
Pers Serv	3,120.1	2,000	2,125	2,235	2,235
Contractual	3,120.4	507	500	400	400
Total		2,507	2,625	2,635	2,635
TRAFFIC CONTROL					
Contractual	3,310.4	2,218	5,500	5,000	5,000
Total		2,218	5,500	5,000	5,000
CONTROL OF DOGS					
Pers Serv	3,510.1	6,625	7,100	7,910	7,910
Equipment	3,510.2	70	500	12,000	12,000
Contractual	3,510.4	3,767	6,925	6,915	6,915
Total		10,462	14,525	26,825	26,825
SAFETY INSPEC					
Pers Serv	3,620.1	10,120	10,550	11,080	11,080
Contractual	3,620.4	230	1,000	1,000	1,000
Total		10,350	11,550	12,080	12,080
TOTAL PUBLIC SAFETY		25,537	34,200	46,540	46,540

(6)

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HEALTH - 1990 BUDGET

	CODE	ACT 88	89	BUDGET	PRE 90	ADOPT 90
REG VIT STATS						
Contractual	4,020.4	7		25	25	25
Total		7		25	25	25
AMBULANCE						
Equipment	4,540.2	0		0	0	0
Contractual	4,540.4	55,715		18,600	0	0
Total		55,715		18,600	0	0
TOTAL HEALTH						
		55,722		18,625	25	25

(7)

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TRANSPORTATION - 1990 BUDGET

	CODE	ACT 88	BUDGET 89	PRE 90	ADOPT 90
SUPT HIGHWAYS					
Pers Serv	5,010.1	27,825	29,225	31,825	31,825
Contractual	5,010.4	177	500	500	500
Total		28,002	29,725	32,325	32,325
GARAGE					
Equipment	5,132.2	0	0	0	0
Contractual	5,132.4	4,530	10,000	11,000	11,000
Total		4,530	10,000	11,000	11,000
STREET LIGHTING					
Contractual	5,182.4	23,923	25,500	26,675	26,675
Total		23,923	25,500	26,675	26,675
TOTAL TRANSPORTATION		56,455	65,225	70,000	70,000

(8)

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ECONOMIC ASSISTANCE & OPPORTUNITY - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 90	ADOPT 90
PUBLICITY					
Contractual	6,410.4	778	700	700	700
Total		778	700	700	700
PROG FOR AGING					
Contractual	6,772.4	1,054	2,400	2,800	2,800
Total		1,054	2,400	2,800	2,800
TOTAL ECONOMIC ASSISTANCE & OPPORT		1,832	3,100	3,500	3,500

CULTURE & RECREATION - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
PARKS					
Per Serv	7,110.1	19,370	19,300	20,000	20,000
Equipment	7,110.2	3,700	2,000	2,000	2,000
Contractual	7,110.4	9,503	6,700	7,000	7,000
Total		32,573	28,000	29,000	29,000
PLAY & REC CENTERS					
Per Serv	7,140.1	0	5,000	5,000	5,000
Contractual	7,140.4	0	5,000	5,000	5,000
Total		0	10,000	10,000	10,000
YOUTH PROGRAM					
Pers Serv	7,310.1	30,494	31,920	34,150	34,150
Contractual	7,310.4	39,075	29,430	30,000	30,000
Total		69,569	61,350	64,150	64,150
HISTORIAN					
Equipment	7,510.2	0	1,000	1,000	1,000
Contractual	7,510.4	1,275	725	750	750
Total		1,275	1,725	1,750	1,750
HISTORICAL PROPERTY					
Contractual	7,520.4	3,100	3,200	3,400	3,400
Total		3,100	3,200	3,400	3,400
CELEBRATIONS					
Contractual	7,550.4	794	1,000	1,000	1,000
Total		794	1,000	1,000	1,000
ADULT RECREATION					
Contractual	7,620.4	5,278	5,035	5,300	5,300
Total		5,278	5,035	5,300	5,300
TOTAL CULTURE - RECREATION		112,589	110,310	114,600	114,600

HOME & COMMUNITY SERVICE - 1990 BUDGET

	CODE	ACT 88	89	BUDGET PRE 1990	ADOPT 90
ZONING					
Pers Serv	8,010.1	92		250	300
Contractual	8,010.4	207		250	250
Total		299		500	550
PLANNING					
Pers Serv	8,020.1	665		650	1,000
Contractual	8,020.4	5,376		5,550	5,600
Total		6,041		6,200	6,600
DRAINAGE					
Pers Serv	8,540.1	13		200	150
Contractual	8,540.4	0		350	200
Total		13		550	350
CONSERVATION					
Pers Serv	8,710.1	0		200	200
Contractual	8,710.4	524		350	350
Total		524		550	550
TOTAL HOME & COMMUNITY SERVICES		6,877		7,800	8,050

UNDISTRIBUTED - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
UNDISTRIBUTED					
EMPLOYEE BENEFITS					
State Retirement	9,010.8	18,105	21,150	24,850	24,850
Social Security	9,030.8	19,186	19,000	21,275	21,275
Workmens Comp	9,040.8	2,220	2,000	2,250	2,250
Disability Ins	9,050.8	259	300	325	325
Hosp & Medical Ins	9,060.8	8,010	9,500	10,000	10,000
Total		47,780	51,950	58,700	58,700
DEBT SERVICE					
PRINCIPAL					
Serial Bonds	9,710.6	0	0	25,000	25,000
Bond Anticipation	9,730.6	0	10,000	0	0
Rev Anticipation	9,770.6	0	0	100,000	100,000
Total		0	10,000	125,000	125,000
DEBT SERVICE					
INTEREST					
Serial Bonds	9,710.7	0	0	11,000	11,000
Bond Anticipation	9,730.7	0	21,910	0	0
Rev Anticipation	9,770.7	0	6,450	6,850	6,850
Total		0	28,360	17,850	17,850
INTERFUND TRANSFER					
Risk Retention	9,902.9	20,000	12,000	4,000	4,000
Cap Proj Fund	9,950.9	150,000	0	0	0
Total		170,000	12,000	4,000	4,000
TOT UNDISTRIBUTED		217,780	102,310	205,550	205,550

TOTAL APPROPRIATIONS - 1990 BUDGET

	ACT 1988	1989 BUDGET	PRELIM 1990	ADOPT 1990
SUMMARY				
GEN GOVT	306,420	346,435	389,155	389,155
PUB SAFETY	25,537	34,200	46,540	46,540
HEALTH	55,722	18,625	25	25
TRANSPORTATION	56,455	65,225	70,000	70,000
EC ASSIS & OPPOR	1,832	3,100	3,500	3,500
CULTURE & REC	112,589	110,310	114,600	114,600
HOME & COMM SERV	6,877	7,800	8,050	8,050
UNDISTRIBUTED	217,780	102,310	205,550	205,550
TOT APPROPRIATIONS	783,212	688,005	837,420	837,420.00

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*TRANSFER TO PAGE 1

GENERAL FUND ESTIMATED REVENUES - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
OTHER TAX ITEMS					
Int/Pen R/Prop Tax	A1090	10,882	6,000	6,000	6,000
Non Prop Tax, Co	A1120	256,578	201,870	205,500	205,500
Franchises	A1170	13,196	12,000	12,500	12,500
DEPARTMENTAL INCOME					
Clerk Fees	A1255	1,162	500	500	500
Dog Control Fees	A1550	540	300	300	300
Park & Rec Charges	A2001	20,782	12,000	10,000	10,000
Zoning Fees	A2110	825	200	500	500
USE MONEY/PROPERTY					
Interest & Earnings	A2401	23,068	10,000	10,000	10,000
Rent R/Prop	A2410	772	0	0	0
Rent/Other Govts	A2412	24,600	24,600	24,600	24,600
Commissions	A2450	0	0	0	0
Games of Chance	A2530	150	0	0	0
Bingo Licenses	A2540	1,385	1,400	1,000	1,000
Dog Licenses	A2544	5,722	5,600	5,600	5,600
Licenses, Other	A2545	1,880	0	500	500
Building Permits	A2555	6,260	3,000	3,500	3,500
Permits, Other	A2590	525	0	0	0
FINES & FORFEITURES					
Fines/Forfeit Bail	A2610	51,093	28,000	37,000	37,000
COMPENSA FOR LOSS					
Sale of Property	A2660	27,520	0	100,000	100,000
Sale of Equipment	A2665	175	0	0	0
Insur Recoveries	A2680	742	0	0	0
Oth Comp for Loss	A2690	67	0	0	0
MISCELLANEOUS					
Refunds Pr Yr Exp	A2701	443	0	0	0
Gifts/Donations	A2705	25	0	0	0
Miscellaneous	A2770	5,749	0	0	0
TOTAL EST REV FROM LOCAL SOURCES		454,141	305,470	417,500	417,500

GEN FUND EST REVENUE - 1990 - PAGE 2

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
STATE AID					
Per Capita	A3001	128,629	120,000	125,000	125,000
Mortgage Tax	A3005	55,443	40,000	40,000	40,000
Rec for Aging	A3801	2,000	2,000	2,000	2,000
Youth Programs	A3820	11,259	9,500	9,500	9,500
Code Enforcement	A3995	7,685	6,000	6,000	6,000
Other	A3089	0	0	0	0
TOT EST REV FROM STATE AID		205,016	177,500	182,500	182,500

REVENUE SUMMARY

TOT EST REV FROM LOCAL SOURCES		454,141	305,470	417,500	417,500
TOT EST REV FROM STATE AID		205,016	177,500	182,500	182,500
TOT EST REVENUES		659,157	482,970	600,000	600,000

ESTIMATED UNEXPENDED BALANCE

EST GENERAL FUND UNEXPENDED BALANCE (Transfer Total "Adopted" to Page 1)		194,000	135,000	187,000	187,000
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HIGHWAY APPROPRIATIONS - 1990 BUDGET - PAGE 1

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
GEN REPAIRS					
Pers Serv	5,110.1	74,533	68,000	75,000	75,000
Contractual	5,110.4	97,129	71,000	71,000	71,000
Total		171,662	139,000	146,000	146,000
IMPROVEMTS					
Cap Outlay	5,112.2	26,037	32,000	30,000	30,000
Total		26,037	32,000	30,000	30,000
MACHINERY					
Pers Serv	5,130.1	0	0	0	0
Equipment	5,130.2	749	21,500	64,000	64,000
Contractual	5,130.4	56,816	68,000	70,000	70,000
Total		57,565	89,500	134,000	134,000
MISC/BR/WDS					
Pers Serv	5,140.1	3,340	12,000	8,000	8,000
Contractual	5,140.4	1,927	2,000	3,000	3,000
Total		5,267	14,000	11,000	11,000
SNOW REMOV					
Pers Serv	5,142.1	50,414	58,400	60,000	60,000
Contractual	5,142.4	31,894	35,000	35,000	35,000
Total		82,308	93,400	95,000	95,000
SER/OTH GVT					
Pers Serv	5,148.1	50,414	58,400	60,000	60,000
Contractual	5,148.4	26,457	35,000	35,000	35,000
Total		76,871	93,400	95,000	95,000
EMPLOY BEN					
State Retire	9,010.8	16,495	17,250	21,050	21,050
Soc Security	9,030.8	13,374	14,750	16,000	16,000
Workers Comp	9,040.8	6,042	6,500	7,000	7,000
Unemploy Ins	9,050.8	0	0	0	0
Disability	9,055.8	303	355	350	350
Hosp/Med Ins	9,060.8	15,531	17,000	20,000	20,000
Total		51,745	55,855	64,400	64,400
TOT P. 1		471,455	517,155	575,400	575,400

HIGHWAY APPROPRIATIONS - 1990 BUDGET - PAGE 2

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
DEBT SERV					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	10,000	10,000	20,000	20,000
Total		10,000	10,000	20,000	20,000
INTEREST					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	2,892	2,900	4,300	4,300
Total		2,892	2,900	4,300	4,300
INT TRANS					
TO:					
Cap Proj	9,950.9	0	0	0	0
Total		0	0	0	0
BUDGETARY					
PROVISION					
OTH/USES	962.0	0	0	0	0
TOT APPROP					
&OTH USES					
Page 1		471,455	517,155	575,400	575,400
Page 2		12,892	12,900	24,300	24,300
Trans to					
Page TB-1		484,347	530,055	599,700	599,700

HIGHWAY REVENUES - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
LOCAL SOURCES					
Lieu/Tax	1,081	448	0	0	0
Non Prop Tax					
Dist/County	1,120	150,000	140,000	150,000	150,000
Ser/Oth Govts	2,300	43,100	40,000	40,000	40,000
Int & Earn	2,401	9,012	8,000	8,000	8,000
Rent/Equip	2,416	0	0	0	0
Intfund Rev	2,801	832	0	0	0
Misc(Specify)	2,770	65	0	0	0
STATE AID					
Consolidated Highway	3,501	27,676	24,000	30,000	30,000
FEDERAL AID					
(Specify)	4,500	0	0	0	0
INTER TRANSF	5,031	0	0	0	0
TOT EST REV		231,133	212,000	228,000	228,000
UNEXPEND BAL		5,000	20,000	60,000	60,000
Transfer Est Rev and Unexp Bal to TB-1					

FIRE PROTEC DIST - APPROPRIATIONS - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
Fire Protec					
Judg/Claims	1,930.4	0	30	622	622
Contracts	3,410.4	171,509	183,070	200,210	200,210
Comp Insur	9,040.8	8,159	14,000	12,000	12,000
Total		179,668	197,100	212,832	212,832
Tot Approp (Trans Adopt to Page 1)		179,668	197,100	212,832	212,832

ESTIMATED REVENUE

Int & Earn	2,401.0	1,907	0	0	0
Refund Pr Yr	2,701.0	0	0	0	0
Total		1,907	0	0	0

(Trans Adopt
to Page 1)

UNEXPENDED BALANCE

Est Fire Pr Dist Unexpd Balance	0	2,100	8,000	8,000
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Transfer
total Adopt
to page 1

LIGHT DISTRICT - APPROPRIATIONS - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
LIGHT DIST					
Street light					
Contrac Exp	5,182.4	16,725	19,800	19,750	19,750
Judge/Claims	1,930.4	0	0	50	50
Total	7,112.8	16,725	19,800	19,800	19,800
Tot Approp					
(Trans Adopt					
to Page 1)					
		16,725	19,800	19,800	19,800

ESTIMATED REVENUES

Int & Earn	2,401.0	483	0	0	0
Tot Est Rev		483	0	0	0
(Trans Adopt					
to Page 1)					

UNEXPENDED BALANCE

Est Light					
Unexp Bal		0	0	0	0

AMBULANCE DISTRICT - APPROPRIATIONS - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
AMBULANCE					
Judg/Claims		1,930.4		0	0
Ambulance, Eq		4,540.2		0	0
Ambulance, C.		4,540.4		30,700	30,700
Total				30,700	30,700
DEBT SERV					
Principal					
Ser Bonds		9,710.6		0	0
BAN's		9,730.6		6,500	6,500
Total				6,500	6,500
INTEREST					
Ser Bonds		9,710.7		0	0
BAN's		9,730.7		2,520	2,520
Total				2,520	2,520
Budgetary					
Prov for	962			0	0
Oth Uses					
Total Approp					
(Transfer					
Adopted to				39,720	39,720
Page 1)					

ESTIMATED REVENUE

Int & Earn	2,401	0	0
Total Revenue		0	0
(Trans adopt			
to Page 1)			

UNEXPENDED BALANCE

Est Unexp Bal		0	0
(Transfer tot			
to Page 1)			

REFUSE/GARBAGE - APPROPRIATIONS - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
REFUSE/GARB					
Judge/Claims	1,930.4	0	0	65	65
Pers Serv	8,160.1	0	0	0	0
Contractual	8,160.4	22,276	282,321	284,895	284,895
Total		22,276	282,321	284,960	284,960

ESTIMATED REVENUE

Ref/Gar Chgs	2,130	0	0	0	0
Int & Earn	2,401	609	0	0	0
Total		609	0	0	0

UNEXPENDED BALANCE

Est Refuse & Garb Dist Unexp Bal		0	0	65	65
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(Trans Adopt
Totals to
Page 1)

SEWER DISTRICT #2 - APPROPRIATIONS - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
Treat/Disp					
Judge/Claims	1,930.4	0.00	0.00	0.00	0.00
Pers Serv	8,120.1	0.00	0.00	0.00	0.00
Equipment	8,120.2	0.00	0.00	0.00	0.00
Contractual	8,120.4	1,206.00	1,199.00	1,198.50	1,198.50
Total		1,206.00	1,199.00	1,198.50	1,198.50

ESTIMATED REVENUE

Int & Earn	2,401	8.00	0.00	0.00	0.00
Total		8.00	0.00	0.00	0.00

UNEXPENDED BALANCE

Est Sewer Dist Unexp Balance		0.00	0.00	0.00	0.00
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(Transfer Tot
to Page 1)

WATER DISTRICT #1 - APPROPRIATIONS - 1990 BUDGET

	CODE	ACT 88	89 BUDGET	PRE 1990	ADOPT 90
Trans/Dist					
Judge/Claims	1,930.4	0	0	80	80
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	0	0	0	0
Contractual	8,340.4	7,236	30,000	29,806	29,806
Total		7,236	30,000	29,886	29,886
DEBT SERV					
Principal					
Ser Bonds	9,710.6	20,000	0	0	0
BAN's	9,730.6	0	0	0	0
Total		20,000	0	0	0
Interest					
Ser Bonds	9,710.7	370	0	0	0
BAN's	9,730.7	0	0	0	0
Total		370	0	0	0
Budgetary					
Prov for					
Oth Uses	962	0	0	0	
Total Approp		27,606	30,000	29,886	29,886
(Transfer					
adopted to					
Page 1)					

ESTIMATED REVENUE

Lieu/Tax	1,081	61	0	0	0
Int & Earn	2,401	3,930	0	0	0
Total		3,991	0	0	0

UNEXPENDED BALANCE

Est Unexp Bal		0	0	0	0
(Transfer tot					
to Page 1)					

WATER DISTRICT #2 - APPROPRIATIONS - 1990 BUDGET

	CODE	ACT 88	BUDGET PRE 1990	ADOPT 90	
Trans/Dist					
Judge/Claims	1,930.4	0	0	57	57
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	0	0	0	0
Contractual	8,340.4	2,113	39,992	37,731	37,731
Total		2,113	39,992	37,788	37,788

DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	0	0	0
Total		0	0	0	0

Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	1,933	0	0	0
Total		1,933	0	0	0

Budgetary					
Prov for					
Oth Uses	962	0	0	0	0

Total Approp (Transfer adopted to Page 1)		4,046	39,992	37,788	37,788
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ESTIMATED REVENUE

Int & Earn	2,401	565	0	0	0
Total		565	0	0	0

UNEXPENDED BALANCE

Est Unexp Bal (Transfer tot to Page 1)		0	0	0	0
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SCHEDULE OF SALARIES OF ELECTED TOWN OFFICERS
(ARTICLE 8 OF THE TOWN LAWS)

OFFICER	SALARY
SUPERVISOR	19,225.00
COUNCILMAN	5,300.00
TOWN CLERK	25,950.00
TOWN JUSTICE	16,250.00
SUPERINTENDENT OF HIGHWAYS	30,825.00