

INDEX 1999

<b>ABSTRACTS: GENERAL FUND &amp; SPECIAL DISTRICTS/HIGHWAY FUND:</b>	
Abstract #1	1
Abstract #1A	16
Abstract #2	19
Abstract #2A	26
Abstract #3	29
Abstract #3A	36
Abstract #4	42
Abstract #4A	46
Abstract #5	50
Abstract #5A	54
Abstract #6	57
Abstract #6A	61
Abstract #7	66
Abstract #8	74
Abstract #9	80
Abstract #9A	86
Abstract #10	92
Abstract #10A	101
Abstract #11	106
Abstract #11A	112
Abstract #12	116
Abstract #12A	122
Abstract #12B	126
<b>ABSTRACT CORRECTIONS GENERAL FUND:</b>	
#12B - (1998)	22
#4A	50
#11A	116
<b>ABSTRACT CORRECTIONS HIGHWAY FUND:</b>	
#1A	22
<b>ADELPHIA (SEE CABLE)</b>	
<b>ANTHRAX THREATS:</b>	
Report	23
<b>AMBULANCE: (SEE EMERGENCY SQUAD)</b>	
<b>APPOINTMENTS:</b>	
Assessment Clerk - Part-Time	1
Deputy Town Attorney/Prosecutor	1
Assistant to the Town Supervisor	1
Deputy Supervisor	1
Bookkeeper	1
Court Clerk	1,88
Court Officer	1
Secretary to the Boards/Committees	1,88
Recreation Director	1
Code Enforcement Officer	1
Deputy Code Enforcement Officer	1
Dog Control Officer	1
Deputy Dog Control Officer	1
Nutrition Program Director	1
Nutrition Program Assistant Director	1
Town Historian	1
Town Hall Cleaner Part-time	1
Town Hall Laborer Part-time	1
Bingo Inspector	1
Cobble Hill Cemetery Liaison	1
Marriage Officer	47,62
Patchin Fire Company Police	36
North Boston Fire Company Police/Officers	2,17
Town Board Liaisons	2
Audit Committee	2
Traffic Safety and Roadways Committee	2
Insurance Committee	2,17
Creative Playground Committee	2
Senior Citizen Council Group #1	

**APPOINTMENTS (CONT):**

Senior Citizen Council Group #2	2
Investment Advisory Committee	2
Solid Waste Committee	2
Inspection Committee	3
Cable TV Committee	3
Drainage Committee	3
Zoning Review Committee	3
Safety Committee	3
Records Committee	3
Deferred Compensation	3
Hillfest Committee	3,17,55
Town Engineering Firm/Liaison	7
Town Planner - Planning Board	7
Planning Board	21
Planning Board - Alternate	21,75
Zoning Board of Appeals	43
Zoning Board Alternates	21,75
Recreation Department	30,57,102,112
Christmas Lighting Committee	55
Conservation Advisory Council & Alternates	42,75,83
NEST (North East Solid Waste Management Board Representative)	5
Assessment Board of Review	119
Capital Improvement Committee	2
Clerk Part-Time	1
Association of Towns Conference - Delegates	17
Highway Superintendent	63,68,71,72,88,89
Parks Superintendent	76
Alternate Member for Boards	63
Acting Assessor	72,75
Highway Working Crew Chief	107,108,124

**APPROPRIATIONS - TRANSFER /CORRECTIONS:**

General Fund	22,26,48,102,117,123,127
Highway Fund	26,117,123,127

**ARMY CORPS OF ENGINEERS:**

Wet lands - Kuhn property - Boston State Road	62,70
---	-------

**ASSEMBLYMAN SMITH:**

Request for Dog Van	19
NYS Comm. Enhancement Facilities Assit. Prog. So. Boston Park	19
Bill#3845-reduce town costs utility line hwy reconstruction	32
Response to CHIPS budget	42
Stocking Program for Eighteen Mile Creek	46
Change in Operation of Boston NYS Police Barracks	91,104

**ASSESSOR/ASSESSMENT/EQUALIZATION:**

NYS Real Prop. Serv - Final Equalization Rate - 98 Roll	26
NYS Real Prop. Tentative/Final Special Franchise Assessmts	46,61
Certificate of Attendance/Board of Assessment Review/Ganey	54
Assessor Leave of Absence	68,80,81,112
Appointment Acting Assessor	72,75
Justice Doyle-Proposed Rules Tax Assessment Art.7	74,75,81,86
Tentative Equalization Rate	116
Adelphia Cable Discount Program	117,124
Assessment Board of Review Appointment	119

**ATTORNEY (SEE TOWN ATTORNEY)****AUDITS/AUDIT COMMITTEE:**

Appointments	2
Set Annual Meeting	6
Approval of 1998 Annual Audit	17
New Justice Court System	126

**AUTHORIZATIONS:**

Supervisor - Invest surplus monies	5
Tax Collector - Invest surplus monies	5
Supervisor - Signature stamp use	6
Lending funds	6
Highway Department - Christmas tree pick-up	8

<b>AUTHORIZATIONS (CONT):</b>	
NY City Association of Towns Conference	17
Highway Dept. Brush Pick-Up	33
Councilman - Telecommunication Conference	34
Supervisor - Lease/Depository Agreement Boston Free Library	43
Supervisor - R. & D Engineering, Creekside Sewer Project	83
Supervisor - GIS Systems Data Sharing Agreement	83
Supervisor - PIP - Hickory Meadows Subdivision	88
Supervisor - Clark & Koller - CPA	88
Town Clerk - advertize bids - Refuse & Garbage contracts	88
Land Purchase - Hillcroft Dire	93
Town Clerk - advertize bids - Master Plan	102
Town Clerk - advertize bids - Installation Recreation Equip	104
Town Attorney - Professional Computer Support Contract	110
Supervisor - Purchase Copier - Supervisor Office	112,113
Supervisor - Change order - Kandy Co. WD#2	117
Supervisor - Nusbaumer & Clarke Proposal - East Hill WD#3	117
Highway Superintendent - 2000 one ton truck	125
<b>BANK:</b>	
Establish Official Town Bank	4
Depository for Refuse and Garbage Certificate of Deposit	21
<b>BIDS:</b>	
Recreation Dept. Ski Prog. Yellow Bus Transportation	36,47
Demolition 5829 Herman Hill Road	37,47
SARA Grant - Microfilming Building Records	48
Lions Shelter - Paving	68,69
Refuse & Garbage contracts	88,92,103,106,107
Master Plan (Proposals)	102,118
Installation Recreation Equip	104,123
Copier - Supervisor Office	112,113
New/Unused 2000 Self Propelled Tandem Roller	98,114,118
Snowmobile Trailer - Parks Department	114,123
One new/unused 2000 one ton truck /dump box	125,128
<b>BLOCK PARTY:</b>	
6738 Hillcroft	62
<b>BLUE CROSS/BLUE SHIELD:</b>	
Reso 17 - Prescription Network	67,77,80,86,103,115
<b>BONDS:</b>	
Form and Sufficiency	6
<b>BOSTON HILLS SUBDIVISION:</b>	
Final Plat	50
Public Hearing	50,55,56
Report	56
Hillcroft Drive Land Purchase	92,93
<b>BRUSH PICK-UP (SEE SCHEDULE/HIGHWAY):</b>	
<b>BUDGET:</b>	
Amendments	21
2000 Budget	94,95
Preliminary Budget - Public Hearing	97,108
<b>CABLE:</b>	
Town Board Liaison Appointment	2
Appointments	3
Adelphia - Completion of Rebuild/Upgrade Program	16,37
Franchise Renewal	51
Adelphia Cable Rate Change	66,79
Adelphia Report	79,84
Contract Discussions	84
Adelphia Cable Discount Program	117,124
<b>CAPITAL IMPROVEMENT COMMITTEE:</b>	
Appointments	2
Restrooms in Town Park	87,98

<b>CENSUS:</b>	
Information	52,56
<b>CHAMBER OF COMMERCE:</b>	
Town Board Liaison Appointment	2
Spring Mixer	37
Citizen of the Year Banquet Report	64
Report	90
<b>CHRISTMAS LIGHTING FUND/COMMITTEE:</b>	
Town Board Liaison Appointment	2
Report	15,24,49,99,111,115,120,125
Appointments	55
<b>CHRISTMAS TREES:</b>	
Pick-up schedule	8
<b>CLERK (SEE TOWN CLERK)</b>	
<b>CODE ENFORCEMENT:</b>	
Annual 1998 Report	17
Letter regarding towers - residents on Cole Road	21,27
Demolition - 5829 Herman Hill Road	24,37,47,55
Dzierzanowski - 6710 Mill Street	28,33,52,53,56,58,67,76
Microfilming Proposals - Building Department	43
SARA Grant - Microfilming Building Records	43,48,77
Boom Boxes	52
Semi-Automotive Repair Shop	52
Monitor Patchin Flea Market	54
Wet Lands - Kuhn property - Boston State Road	62
Kuhn - Fill Permit Extension - Boston State Road	62
Mobile Home Inspections	54,64
Unsafe Building - Crowley - 7050 Eckhardt Road	76,77,89
Political sign size	80,92
Heffley, 7150 Omphalius Road-Accessory Building	82,88,101,128
<b>COLLINS CORRECTIONAL FACILITY:</b>	
Inmate Work Program	37,51,63
<b>COMMENDATIONS:</b>	
Boston Highway Dept.	36
<b>COMMUNITY DEVELOPMENT BLOCK GRANT FUND (SEE GRANTS):</b>	
<b>COMMUNITY ROOM:</b>	
Easter Egg Hunt	22
Hillfest Committee - Spaghetti Dinner	27
Historical Society Dinner Meeting	27
Halloween Party	102
Informational Meeting - Creekside Subdivision - Sewer Rehab	103
<b>COMPLAINTS:</b>	
Ryan - Poor visibility - Abbott & Herman Hill Road	18
Bifaro - EC Dept. of Transportation - Boston State Road	19
Kevinton Drive - Drainage Complaint	24
Towers - residents on Cole Road	21,27
Emergency Squad Building - Ice Build-up	34
Lower East Hill - Deer Crossing Signs installed	34,44,71
Speeding Cars - St. Johns School - Recreation Program	34
Drainage problems, Glenn Terrace, Kevin Drive	49
Boom Boxes	52
Semi-Automotive Repair Shop	52
Renaming of Smolinski Drive	61
9177 Boston State Rd. (Decker's Old House) Maintenance	65,69
Herman Hill Road/Route 391 - Safety Issue	65,71
Blue Cross/Blue Shield Prescription Network	67,77,80,86,103,115
Political sign size	80,92
Recreation Department bus supervision	81,82
Parkside Drive - Dumpster	84
Restrooms in Town Park	87,98
Bradford, 7526 Herman Hill Road - Boston State Rd. Shoulders	94
Julia Czechowski, 8734 Boston St Rd-Boston St Rd. Shoulders	94

<b>COMPLAINTS (CONT):</b>	
Hywood Drive - speed limit reduction request	99,105
Greenbriar Terrace - Hillcroft - Install stop signs	99,105
Stop sign request, Rogers, 9856 Emerling Rd.	101,107
Cole Road - Bus signs on turn-around	107
Professional Computer Support-Town Hall Computers	110,115
Cole Road - Street Lights	120
Keller/Zimmerman Road - waterline	125
<b>CONCERTS (SEE GRANTS/RECREATION):</b>	
Concert in Park Series	17
Arts Council Grant - Summer Concerts	19
<b>CONGRESSMAN QUINN:</b>	
Declaration of Natural Disaster	16
Outreach Program	42
<b>CONSERVATION ADVISORY COUNCIL:</b>	
Town Board Liaison Appointment	2
Resignation	29
Fish Release Program Request	29,30
Earth Day/Tire Drop-off Report	25,38,44,49,52
Change in meeting dates/times	42
Appointments	42,83
Appointment Chairman	42
Term expiration/re-designation EC Environmental Mgt Council	46
Request for Stocking Program for Eighteen Mile Creek	46
Site Plan Review - Glad Your Hair, 7166 Boston State Road	63
Site Plan Review - William Brunner, 7171 Boston State Road	63
Alternate Member Request	63,75
Abbott & Boston State Roads Triangle - restoration	65
"Glad Your Hair" project - NYS DOT violation	65
<b>CORRECTION OF REGULAR MONTHLY MEETING MINUTES (SEE MINUTES):</b>	
September 15, 1999	92
October 6, 1999	101
November 3, 1999	122
<b>COUNCILMAN:</b>	
Saturday Hours Schedule	14
NY City Association of Towns Conference - Delegate	17
Report Council Hours	18
Telecommunication Conference	34
Southern Tier West Seminar	43
Telecommunication Conference Responsible Government	44
Land Conservation Seminar	44
<b>COURT OFFICE (JUSTICES/CLERK)</b>	
Computer System	43,110
Southern Tier West Seminar - Deputy Attorney/Prosecutor	43
Records Grant	43,77
Town Justice - Continuing Education	92
NY City Association of Towns Conference	17
Reso - 31 NYS Unified Court Authorization Program	114
NY City Association of Towns Conference	17
Annual Report 1998	17
Court Officer Resignation	63
Continuing Education Seminar	92
Professional Computer Support Contract	110,115
New Justice Court System	126
<b>CREATIVE PLAYGROUND:</b>	
Town Board Liaison Appointment	2
Appointments	2,17
Appointment Delegates - NY Assoc of Towns Conference	17
Welcome Wagon Donation	63
Boston Valley School - repairs/volunteers	59
Southtowns Rural Preservation Co. - Creative Playground	78
<b>CREEKSIDE SUBDIVISION:</b>	
Sewer Remediation Project	82,83,103,104,106,107

<b>DEFERRED COMPENSATION PLAN:</b>		
Appointments		3
<b>DEMOLITION:</b>		
5829 Herman Hill Road		24,37,47,55
Dzierzanowski - 6710 Mill Street	28,33,52,53,56,58,67,76	
Unsafe Building - Crowley - 7050 Eckhardt Road		76,77
<b>DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYS DEC):</b>		
Fish Release Program Request		29,30
Term expiration/re-designation EC Environmental Mgt Council		46
Stocking Program for Eighteen Mile Creek		46
NYS Conservation Licenses schedule/deadlines		69,77
<b>DEPARTMENT OF PUBLIC WORKS/DIVISION OF HIGHWAYS (ERIE COUNTY):</b>		
No signs - Abbott & State Road triangle		1
Speeding Cars - St. Johns School		34
Deer Crossing Signs - Lower East Hill Road		34,44
<b>DEPARTMENT OF TRANSPORTATION (NYS DOT):</b>		
Arterial Management Workshop		38
<b>DISASTER PLAN:</b>		
Report		66,97,119
<b>DOG CONTROL:</b>		
Annual Report 1998		17
Senator Volker - Request for Dog Van		19
Assembly Smith - Request for Dog Van		19
<b>DRAINAGE:</b>		
Town Board Liaison Appointment		2
Appointments		3
Kevinton Drive - Complaint		24
Glenn Terrace, Kevin Drive		49
Colonial Drive		55
Ditch - South Greenbrier Terrace - Niagara Mohawk		70
Holiday Drive Drainage/Road shoulder		78
Kuhn Property - Boston State Road	79,84	
Southside Drive		84
Woodland Drive		84
<b>DZIERZANOWSKI:</b>		
Report- 6710 Mill Street	28,33,52,53,56,58,67,76	
<b>EARTH DAY:</b>		
CAC - Earth Day		25
Earth Day/Tire Drop-off Report	25,38,44,49,52	
<b>EASTER EGG HUNT:</b>		
Community Room/Town Park		22
<b>ELECTIONS BOARD OF (ERIE COUNTY):</b>		
Inspectors salary		4
<b>EMERGENCY/RESCUE SQUAD:</b>		
Town Board Liaison Appointment		2
Installation of Officers		24
NY Associations of Towns Seminar Report		34
Complaint - Squad Building Ice build	34,56	
Southtowns Planning Visible house # for emergency vehicles		38
Grant - Prudential Insurance Co.		65
Report		79
Y2K Plans		97
Service Award Program		104
Safety Committee Report		114
Sidewalk installation report		114
<b>ENGINEERING:</b>		
Appoint Firm		7
Dzierzanowski		58
R & D Engineering -Out of District Water - 6760 Liebler Road		61

<b>ENGINEERING (CONT):</b>	
Creekside Sewer Remediation Project	82,83,103,104,106,107
PIP - Hickory Meadows Subdivision	88
Exposed supply line pipe - Town Park	110
Kuhn - Site Plan Review - Herman Hill Road	113
TVGA - Change order WD#2 - West Hill Water Project WD#2	117
Nusbaumer & Clarke Proposal - East Hill WD#3	117

**EQUALIZATION (SEE ASSESSMENT)**

<b>ERIE COUNTY DEPT. OF ENVIRONMENT &amp; PLANNING:</b>	
Local Planning Initiative Program Award Grant	36
Utility Co. Connection Program	74

<b>ERIE COUNTY EXECUTIVE:</b>	
Gorski - Local Planning Initiative Program Award Grant	36
Gorski - Regional - Air Cylinder Recharging/Vacuum Sweeper	43

<b>ERIE COUNTY HIGHWAY DEPARTMENT:</b>	
Ryan - Poor visibility - Abbott & Herman Hill Road	18
Bifaro - EC Dept. of Transportation - Boston State Road	19
Boston State Road/Zimmerman Road Repair Project	70,78
Lower East Hill - Deer Crossing Signs installed	34,44,70,79
Unsafe Building - Crowley - 7050 Eckhardt Road	76,77
Back Creek & Hillcroft Drive - Signs	55,79
Lower East Hill - Traffic Signs	79
Bradford, 7526 Herman Hill Road - Boston State Rd. Shoulders	94
Julia Czechowski, 8734 Boston St Rd- St Rd. Shoulders	94,112
Greenbriar Terrace - Hillcroft - Install stop signs	99,105
Stop sign request - Rogers, 9856 Emerling Road	101,107
Cole Road - Bus signs on turn-around	107

<b>ERIE COUNTY LEGISLATURE:</b>	
Swanick - Sales Tax Exemption	20

<b>ERIE COUNTY LEGISLATOR MARSHALL:</b>	
Child Vehicle Safety Seat Program	99
Opposition ECMC 2000 Budget Closure So Erie Clinic	106,122

<b>ERIE COUNTY SEWER AUTHORITY:</b>	
Creekside Sewer Remediation Project	82,83

**ERIE COUNTY WATER AUTHORITY (SEE WATER):**

<b>FIRE COMPANIES:</b>	
Town Board Liaison Appointment	2
N. Boston Tour	14
N. Boston Installation/Firefighter of the Year	24
N. Boston Demolition - 5829 Herman Hill Road	24
Boston Fire Co. - Dzierzanowski - 6710 Mill Street	28,67,76
Town Board Tour Patchin Fire Co.	28,33
N. Boston Appointment Fire Police	36
N. Boston - Municipal Rate - Truck Purchase/Reso 15	37,44,56,62
Patchin - New builds - adequate driveway access	37
Patchin Tour - OSHA regulations	41
Patchin - Install emergency enclosures after fire	41
Gorski - Regional - Air Cylinder Recharging/Vacuum Sweeper	43
Patchin Fire Co. Flea Market Request	44,51,54
Boston Fire Co. Tour	44
Boston Fire Co. Installation/Fireman of the Year/Service Award	44
Patchin Fire Appointment	47,62
Fire Companies Report	52,79,98,119
Boston Fire Co. - Dzierzanowski	58
Patchin - Open House/Thermal Imaging Camera Dedication	64,70
N. Boston - Bell Atlantic Grant - Defibrillator	64
Patchin Fire Co. Demonstration - Hillfest	71
Fire Hydrant Route 391 in North Boston	76
Fire Council Meeting	78,120
Fire Comps./State Police review-Workshop Sheriff's Unit	79
Y2K Plans	97,119
Safety Committee Report	114

<b>FIRE HYDRANTS:</b>	
Route 391 in North Boston	76
<b>FLOOD DAMAGE PROGRAM (FEMA):</b>	
Congressman Quinn Declaration Report	16
	16,48,55,119
<b>FLU SHOTS:</b>	
Schedule	90
<b>GIS (GEOGRAPHIC INFORMATION SYSTEMS):</b>	
Data Sharing Agreement from NYS Office of Technology	83
<b>GOVERNOR GEORGE PATAKI:</b>	
Law - Alternates for Planning, Zoning Boards	21
<b>GRANTS/AWARDS:</b>	
Arts Council - Summer Concerts	17,19,120
Gorski - Local Planning Initiative Program Award Grant	36
NEST Grant App. Feasibility Study on Composting Facility	38
Gorski - Regional - Air Cylinder Recharging/Vacuum Sweeper	43
Records Management Grant	43,48,66,77
Grants Consultant Contract Renewal	47
N. Boston - Bell Atlantic Grant - Defibrillator	64
Emergency Squad - Prudential Insurance Co.	65
Rural NY Planning/Preservation-Historical Society	77
Rural NY Planning/Preservation-Master Plan	77
Southtowns Rural Preservation Co. - Creative Playground	78
Community Development Block Grant	8,17,74,83,103,104,106,107,114
Soccer Program	115,120
FEMA	119
<b>HALLOWEEN PARTY/HOURS:</b>	
Halloween Party	102
<b>HAZ-MAT:</b>	
Town Board Liaison Appointment	2
<b>HICKORY MEADOWS SUBDIVISION:</b>	
Amend Recreation fees	7
PIP Inspection Services - R & D Engineering Report	88
	110
Professional Computer Support Contract	110
<b>HIGHWAYS &amp; ROADS:</b>	
Salaries	4
Christmas Tree pick-up	8
1999 International Truck report	8,33
Approval Expenditure of Highway Monies	16
Ryan - Poor visibility - Abbott & Herman Hill Road	18
Bifaró - EC Dept. of Transportation - Boston State Road	19
NY Assoc. of Towns Training Seminar-NY City	23
Bill#3845-reduce town costs utility line hwy reconstruction	32
Brush Pick-Up Schedule	33,44,51,59,83,90,98
Mulch Pick-up/Delivery	33,51,59
Lower East Hill - Deer Crossing Signs installed	34,44,71
Speeding Cars - St. Johns School	34
Letter of Appreciation	36
Reso 99-07 - Re-Naming a Portion of Polish Hill Road	30
Reso 99-07 - Preservation of CHIPS Funding	36,42
EC Legislators - Sharing Snow Removal Equipment	16
Colden - CHIPS Appropriation Cuts	29,36
Southern Tier West Seminar - Highway Superintendent	43
Road Repair & Maintenance	44
Blasdel - CHIPS Appreciation Cuts	46
Orchard Park - CHIPS Appreciation Cuts	46
Union Labor Negotiator/Meetings	48,70
Resignation/Appointment Highway Superintendent	63,68,71,72
Signs - Boston Cross Road playground area	64
CHIPS Project Report	78,80,112
Holiday Drive - Drainage road shoulder	78
Kuhn Property - Boston State Road	79

**HIGHWAYS & ROADS (CONT):**

Parkside Drive - Dumpster	84
Woodland Drive - Drainage	84
5614 Southside Drive	84
Leave of Absence-Highway Superintendent from MEO	88,89
Bradford, 7526 Herman Hill Road - Boston State Rd. Shoulders	94
Julia Czechowski, 8734 Boston St Rd-St Rd. Shoulders	94,112
Car Seat Safety Inspection Program	89,99
Speeding enforced-South Abbott Road/Meadow Drive	99
Setting Highway Salaries Inquiry	101
Stop sign request - Rogers, 9856 Emerling Road	101,107
Hywood Drive - speed limit reduction request	99,105
Greenbriar Terrace - Hillcroft - Install stop signs	99,105
Stop sign request - Rogers, 9856 Emerling Road	101,107
Cole Road - Bus signs on turn-around	107
Appointment Highway Working Crew Chief	107,108,124
New/Unused 2000 Self Propelled Tandem Roller	98,114,118
Snowblower Quotations	118
Local Law #3 - Plowing Across Public Highways	119,126,127
National Fuel 2000 Annual Blanket Highway Work Permit	122,123
Snowmobile Trailer - Parks Department	114,123
One new/unused 2000 one ton truck /dump box	125,128
Keller/Zimmerman Road - waterline problem	125

**HILLCROFT BRIDGE:**

FEMA Report	48
NRCS Inspection	51

**HILLCROFT DRIVE:**

Land Purchase	92,93
---------------	-------

**HILLFEST:**

Appointments	3,55
Candy Sale	17
Spaghetti dinner	17,18
Appointment	17
Appointment Deletions	17
Hillfest Committee - Spaghetti Dinner Report	27,33,37
Use of Town Park/waive fee	34,49,68,77,105
Patchin Fire Co. Demonstration	57
	71

**HISTORICAL SOCIETY:**

Dinner Meeting	27
Reso 21 - Historic Steeple Preservation Plan	73
Senator Volker - Local Initiative	74
Rural NY Planning/Preservation-Historical Society Grant	77

**HOLIDAYS:**

Schedule	7
----------	---

**INSPECTION COMMITTEE:**

Appointments	3
--------------	---

**INSURANCE:**

Town Board Liaison Appointment	2
Appointments	2

**INVESTMENT OF MONIES (ADVISORY COMMITTEE):**

Appointments	2
Invest Surplus	5

**INVESTMENT POLICY:**

Investment of monies	5
----------------------	---

**JUSTICES (SEE COURT OFFICE)****LEAVE OF ABSENCE:**

Assessor	68
----------	----

**LEGISLATOR FREDERICK MARSHALL:**

Car Seat Safety Inspection Program	89,99
------------------------------------	-------

<b>LENDING FUNDS:</b>	
Authorization	6
<b>LIBRARY:</b>	
Boston/Orchard Park meeting	115
<b>LICENSES:</b>	
Liquor - Captured Spirits - 6865 Boston Cross Road	42
Liquor - Olde Liberty Tavern - 9368 Boston State Road	50
Liquor - Mariano's Pizzeria and Restaurant	66
Liquor - Boston Grille, 7115 Boston State Road	74
<b>LIONS CLUB SHELTER:</b>	
Boston Youth Softball	16,67
Boston Youth Baseball	16,67
Concert in Park Series	17
Ellis Family Picnic	22
CAC - Earth Day	25
Friends of Matthew Meckes	48
Shirley Mitchell, 7898 Boston State Road	51
Hamburg All-Breed Obedience Club	67
Paving Bids	68,69
<b>LOCAL LAW (PROPOSED):</b>	
Local Law #1-Alternates - Planning, Zoning Boards	22,31
Local Law #2-Amend Zoning Law 6-1990	47,48
Local Law #3- Plowing Across Boston Public Hghys	119,126,127
<b>MASTER PLAN:</b>	
Reso - 22 - Local Master Plan Initiative	73
Rural NY Planning/Preservation-Master Plan Grant	77
Master Plan Report	98
Advertize for Bids Master Plan	102
Proposals	118
<b>MEMORIALS:</b>	
Memorial Tree - Margaret Mead	107
<b>MEMORIAL DAY PROGRAM:</b>	
Schedule	32,55
Town Grant	36
<b>MILEAGE:</b>	
Set Rate	6
<b>MINUTES - CORRECTION OF REGULAR MONTHLY MEETING MINUTES:</b>	
September 15, 1999	92
October 6, 1999	101
November 3, 1999	122
<b>MOBILE HOME PARKS:</b>	
Inspection/re-inspection	54,64,66,75
License Renewal	64
Boyd Mobile Home Park	54,64,66,75,89,98
<b>NATIONAL FUEL:</b>	
System Map of Boston Gas Facilities	26
Exposed supply line pipe - Town Park	110
2000 Annual Blanket Highway Work Permit	122,123
<b>NEST:</b>	
Appointments	5
Meeting	65
Grant Application-Feasibility Study on Composting Facility	38
Hazardous Waste Drop-off	56,65
Master Agreement Refuse/Garbage	106
<b>NEWSPAPER:</b>	
Official Newspaper	5
Notification USDA, NY Rural Development Wetlands impact etc	14

<b>NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYS DOT)</b>	
Herman Hill Road/Route 391 - Safety Issue	65,71
"Glad Your Hair" project - NYS DOT violations	65
CHIPS reimbursement	80
<b>NEW YORK STATE ELECTRIC &amp; GAS (NYSEG):</b>	
NYSEG Live Line Demonstration	23
Computel Consultants	59
<b>NEW YORK STATE POLICE:</b>	
Fingerprint/photos - children	60
Fire Companies/Workshop Sheriff's Fire Investigative Unit	79
Change in Operation of Boston NYS Police Barracks	91
<b>NIAGARA MOHAWK:</b>	
Drainage Ditch - South Greenbrier Terrace	70
Volunteers repair lights parks/Route 391/Poles Patchin Fire	102
<b>NORTH BOSTON PARK:</b>	
Senator Volker Concession Stand/ Equip. N. Boston Park	61
Purchase Playground Equipment	61
<b>NUTRITION PROGRAM:</b>	
Town Board Liaison Appointment	2
Report	14,78,120,124
Boston Rep. Erie County Project Council	44
Town Thank You	50
<b>PARKS DEPARTMENT:</b>	
Town Board Liaison Appointment	2
Collins Inmate Work Program	37
Boccie Courts	43
Schichtel's Tree Donation	49
Senator Volker Concession Stand/ Equip. N. Boston Park	61
Purchase Playground Equipment	61
Snow fence installation - softball diamond #6	60
Schichtel's tree donation	48,78
Resignation Highway/Parks Superintendent	63
South Boston Park - Standing Water	60
Lions Shelter - Paving	68,69
Parks Superintendent	76
Park Imp. Project Completion Report - NYS Parks & Rec Office	86
Complement/donation - Hamburg All Breed Obedience Club	101
Installation Recreation Equip	104
Restrooms - CDBG Funds	104,106
Memorial Tree - Margaret Mead	107
National Fuel Exposed supply line pipe - Town Park	110
Snowmobile Trailer - Parks Department	114,123
<b>PEOPLE INC.:</b>	
People Inc. - Payment in lieu of taxes	52
<b>PERMITS - DUMPING</b>	
Brunner Eatery, 7171 Boston State Rd.	89
<b>PERMITS - FILL/SOIL - ADD/REMOVAL:</b>	
Joseph & Carl Simmeth - 8010 Boston State Road	57
Roy Emerling - 7957 Boston State Road	57
Kuhn - Fill Permit Extension - Boston State Road	62
Brunner - 7171 Boston State Road	89,93,94
<b>PERMITS - PUBLIC IMPROVEMENT:</b>	
Hickory Meadows Subdivision	88
<b>PERMITS - SECOND BUILDING (ACCESSORY) PERMIT / SAME PROPERTY:</b>	
Antonucci - 7289 Lower East Hill Road	43,47
Bosinski - 5790 Herman Hill Road	62
Dunmire, 6668 Redwing Drive	67
Heffley, 7150 Omphalius Road	82,88,101,115,128
Hilburger, 7286 Lower East Hill Road	94
Babski, 6560 Fairlane Drive	94

**PERMITS - SITE PLAN REVIEW:**

Glad Your Hair, 7166 Boston State Road	63,65,84
William Brunner, 7171 Boston State Road	63,89,93,94
Babski, 6560 Fairlane Drive	94
Kuhn - Herman Hill Road	113,115

**PERMITS - SPECIAL USE:**

Flea Market - Miller, 7174-7178 Boston State Road	43,54
Top Soil Shredding - SHARCO Enterprises - 6752 Mill Street	76
Sharco Enterprize	90,100
DeSantis, 6346 May Drive	123

**PERMITS - WET LANDS:**

Kuhn property - Boston State Road	62,70
-----------------------------------	-------

**PETTY CASH:**

Set funds	7
-----------	---

**PLANNING BOARD:**

Town Board Liaison Appointment	2
Town Planner	7
Officers	15
Annual Report 1998	15
Appointments	21
Tomasello, 8692 Boston State Road	27,28,33
Local Law #1-Alternates - Planning, Zoning Boards	22,31
Patchin Fire Co. Concern-New builds-adequate driveway access	37
Arterial Management Workshop	38
Local Law #2-Amend Zoning Law 6-1990	47
Conference Proposal	49
Boston Hills Subdivision	50,55,56,92,93
Patchin Fire Co. Flea Market Request	44,51,54
SEQR Workshop	49,52
Southtowns Planning & Development Meeting	33,38,52
Rezoning Request - Palmer - 5493 South Feddick Road	62,84
Site Plan Review - Glad Your Hair	63,84
Alternate Member Request/appointment	63,75
"Glad Your Hair" project - NYS DOT violations	65
Brunner Eatery, 7171 Boston State Rd.	89
Sharco Enterprize Special Use Permit	90,100
Babski, 6560 Fairlane Drive	94
Town Clerk - advertize bids - Master Plan	102
Kuhn - Site Plan Review - Herman Hill Road	113,115
Master Plan (Proposals)	102,118

**POLISH HILL ROAD:**

Renaming	30
----------	----

**PROCLAMATIONS:**

Municipal Clerk's Week	47
National 4 - H Week	94
Lucille C. Genzel Week	124
Brian Sequin Attains Eagle Scout	128

**PROCUREMENT POLICY:**

Resolution 1999-1	7
-------------------	---

**PUBLIC HEARINGS (LOCAL):**

East Hill WD#3 - Establishment	8
Local Law #1-Alternates - Planning, Zoning Boards	22,31
Demolition - 5829 Herman Hill Road	24,37
Local Law #2 - Amend Zoning Law of Town of Boston	28,38
Dzierzanowski - 6710 Mill Street	53,56,58
Boston Hills Subdivision	50,55,56
CDBG Funds	83,103,104,106,107
Brunner Eatery, 7171 Boston State Rd.	89,93,94
Unsafe Building - Crowley - 7050 Eckhardt Road	76,77,89
Budget	94,95,97,108
Local Law #3 - Plowing Across Public Highways	119,126,127

**PUBLIC HEARINGS (OUT OF TOWN):**

Concord - Amendments to Concord Town Code	46
---	----

**PUBLIC IMPROVEMENT SPECIFICATIONS:**

Approval 7

**RECORDS MANAGEMENT (COMMITTEE):**

Appointments 3  
 Sunset Elimination Local Govt Record Improvement Fund 63  
 NYS Education Department Grant 66  
 NYS Archives/Records Admin. Final Project Performance Report 74  
 SARA Records Management Grant/Microfilming 43,48,66,74,77

**RECREATION DEPARTMENT:**

Town Board Liaison Appointment 2  
 Boston Youth Softball Annual Picnic 16  
 Boston Youth Baseball Annual Picnic 16  
 Concert in Park Series 17,19  
 Ski Program Report 18,23,111,125  
 "Over Thirty" Soccer League 24,34  
 Baseball Registration 28  
 Appointments 30,57,102,112  
 Speeding Cars - St. Johns School 34  
 Ski Prog. Yellow Bus Transportation Bids 36,47  
 Program Report 38,70,98,111,115  
 Linda Carney - Bowling - Certificate of Appreciation 54  
 Recreation Director Resignation 58,59  
 Senator Volker Concession Stand/ Equip. N. Boston Park 61  
 Purchase Playground Equipment 61,123  
 Boston Youth Softball Coach's Appreciation Party 67  
 Boston Youth Baseball Coach's Appreciation Party 67  
 Recreation Director Resignation 67  
 Bus supervision complaint 81,82  
 Restrooms in Town Park 87,98  
 Bids - Installation Recreation Equip 104  
 Soccer Program 115,120  
 Bowling Program 120

**RECREATION FEES: (SUBDIVISION)**

Hickory Meadow 7

**REFUSE/GARBAGE (SOLID WASTE):**

Town Board Liaison Appointment 2  
 Appointments 2  
 NEST (NE-Southtowns Solid Waste Management Board) Appointments 5  
 Annual Payment of fees 6  
 Depository Bank for Refuse and Garbage Certificate of Deposit Report 21  
 Report 52,98  
 Refuse & Garbage contract bids 88,92,98,103,106,107

**REGISTRAR OF VITAL STATISTICS:**

Annual Report 1998 17

**RESIGNATIONS:**

CAC 29  
 Recreation Director 58,59  
 Highway Superintendent 63,68  
 Court Officer 63  
 Recreation Director 67  
 Assistant to the Supervisor 128

**RESOLUTIONS TOWN OF BOSTON:**

01 - Procurement Policy 7  
 02 - Issuance of Serial Bonds - 1999 International Truck 16  
 03 - Opposition to Proposed Sales Tax Exemption 20  
 04 - Formation of Water District #3 21  
 05 - Scott Helmbrecht - Eagle Scout 28,29  
 06 - Scott Burroughs - Eagle Scout 29  
 07 - Re-Naming a Portion of Polish Hill Road 30  
 07 - Preservation of CHIPS Funding 36  
 08 - Water District #3 Submission to NYS Audit And Control 36  
 09 - Order to Demolish 5829 Herman Hill Road 37  
 10 - Renaming Smolinski Drive 55,61  
 11 - County/Municipal Local Planning Initiative 55  
 12 - Refuse Licenses 55

**RESOLUTIONS TOWN OF BOSTON (CONT):**

12 - Richard L. Kennedy	58
13 - Out of District Water - 6760 Liebler Road	61
14 - Rescind Resolution 10	62
15 - Bond Issuance - North Boston Volunteer Fire Company	62
16 - Sunset Elimination Local Govt Records Mgt Improvement Fund	63
17 - Blue Cross/Blue Shield Prescription Network	67,77,80,86,103
18 - Approval of notice of Intent Water District #3	69
19 - Out of District Water - 6760 -IE Liebler Road	69
20 - WD#3 Submission of NYS Audit & Control	72
21 - Historic Steeple Preservation Plan	73
22 - Local Master Plan Initiative	73
23 - Loss Control And Safety Program	76
24 - Out of District Water Customer	90
25 - 1999 Stop DWI Contract	89
26 - Approve Form/Content Bond Reso-Water District #3	102
27 - Community Development Block Grant	106,107
28 - Opposition ECMC 2000 Budget Closure So Erie Clinic	106,122
29 - Extend Refuse/Garbage Contracts with BFI	107
30 - Unpaid Bills	112
31 - NYS Unified Court System -Court Authorization Program	114
32 - Soccer Field Development Project	115
33 - Town Facilities	128

**RESOLUTIONS OTHER TOWNS:**

EC Legislators - Sharing Snow Removal Equipment	16
Colden - CHIPS Appropriation Cuts	29,36
Blasdell - CHIPS Appreciation Cuts	46
Orchard Park - CHIPS Appropriation Cuts	46
Buffalo Common Council - Sales Tax	50,66
West Seneca - CHIPS Appropriation Cuts	54

**RETIREMENT PLAN:**

Hours Reported to NYS	6
-----------------------	---

**REZONING:**

Request - Palmer - 5493 South Feddick Road	62,84
--	-------

**RURAL TRANSIT:**

CDBG Funds	104,106
------------	---------

**SAFETY COMMITTEE:**

Appointments	3
Reso 23 - Loss Control And Safety Program	76
PERMA Report	78
Meeting	107
Report	114

**SALARY/SCHEDULE:**

Set salary schedules	4
Set payment schedules	5

**SALES TAX EXEMPTION:**

Report	20
--------	----

**SCHEDULES:**

Board Meetings	4
Agenda Review	4,107
Set Annual Audit Meeting	6
Holiday	7
Councilman Saturday Hours Schedule	14
99 County Tax Collection Schedule	27,32
Conservation Advisory Council-Change in meeting dates/times	42
Baseball Registration	28
Town Board Tour Patchin Fire Co.	28
Memorial Day	32,55
Brush Pick-Up Schedule	33,44,51,59,83,98
Hillfest Committee - Spaghetti Dinner	27,33
CAC Change in meeting dates/times	42
Boston Fire Co. Tour	44
Summer Schedule	54
Town Clerk - Military Leave	59

**SCHEDULES (CONT):**

Hazardous Waste Drop-off	56,65
Special Town Board Meeting	68,72,73
NYS Conservation Licenses schedule/deadlines	69,77
School Taxes	90,97
Halloween/Trick of Treat Night	99
Hillfest	105
Year End Meeting	107
Safety Committee Meeting	107

**SEMINARS:**

NY City Association of Towns Conference - Delegates	17
Highway Superintendent NY Assoc. of Town Training Seminar	23
Town Attorney/Defense Research/Municipal Matters Seminar	23
Supervisor Report - NY Assoc. of Towns	32
Councilman - Telecommunication Conference	34
Supervisor/Councilman - Southern Tier West Seminar	43,56
C. Wiktor - Telecommunication Conference Responsible Govt.	44
Councilman Tills - Land Conservation Seminar	44
Town Justice - Continuing Education	92
Telecommunication Conference - Town Board	121

**SENATOR VOLKER:**

Initiative - South Boston Park	19
Request for Dog Van	19
Complaint - Lower East Hill - Deer Crossing Signs installed	34
Response to CHIPS budget	42
Refurbish Concession Stand/Purchase Equip. N. Boston Park	61
Historical Society - Local Initiative	74
South Boston Park - Local Initiative	74
Change in Operation of Boston NYS Police Barracks	91,104

**SENIOR CITIZENS (GROUPS #1&2):**

Appointments/Town Board Liaison Appointment	2
---	---

**SEQR (SHORT ENVIRONMENT QUALITY REPORT:**

Conference Proposal	49,52
Concord/Springville Draft GEIS Joint Comprehensive plan	75
Kuhn - Site Plan Review - Herman Hill Road	113

**SEWERS BOSTON/(ERIE COUNTY):**

Creekside Sewer Remediation Project	8,82,83,103,104,106
Boston Sewer Rehabilitation Project	8

**SIGNATURE STAMP/CHECK WRITER:**

Authorization	6
---------------	---

**SITE PLAN REVIEW:**

Tomasello, 8692 Boston State Road	27,28
Kuhn - Site Plan Review - Herman Hill Road	113

**SOUTHERN RURAL PRESERVATION COMPANY:**

Grant - Creative Playground	78
-----------------------------	----

**SOUTH BOSTON TOWN PARK:**

Town Board Liaison Appointment	2
Senator Volker Initiative - South Boston Park	19
Assemblyman Smith NYS Comm. Enhancement Facilities Assit. Prog Report	19,52,56
Standing Water Report	60
Senator Volker - Local Initiative	74

**SOUTHTOWNS PLANNING AND DEVELOPMENT GROUP:**

Meeting	33,52
Visible house numbers for emergency vehicles	38

**SPECIAL TOWN BOARD MEETINGS:**

August 1, 1999	68,72
December 29, 1999	126

**STREET LIGHTING:**

Town Board Liaison Appointment	2
Cole Road	120
South Abbott	120

**SUBDIVISIONS:**

Hickory Meadows	7,88,110,
Boston Hills	50,55,56,92,93
Creekside	82,83,103,104,106,107

**SUPERVISOR:**

NY City Association of Towns Conference - Alternate Delegate	17
Budget	21,94,95,97,108
Annual Report	32,37
NY Assoc. of Towns Report	32
Southern Tier West Seminar	43
Justice Doyle-Proposed Rules Tax Assessment Art. 7 Review	74,75
Supervisor - Purchase Copier - Supervisor Office	112,113

**SURPLUS MONIES:**

Authorize to invest	5
---------------------	---

**TAX COLLECTIONS:**

Annual Report 1998	17
Informational Flyer Insert	23
Credit Card Payments	27
99 County Tax Bills Mailed	27
99 County Tax Collection Schedule	27,32
Use of Town Hall for School Tax Collection	77
99 Hamburg School Tax	83,90,97

**TIRE/TEXTILE DROP-OFF (SEE EARTH DAY)****TOWERS:**

Letter residents on Cole Road	21,27
Co-Location	28
RF Consultant Bills to Frontier for Payment	33

**TOWN ATTORNEY/LEGAL:**

Defense Research Institute on Municipal Matters Seminar	23
Unifying schedule of costs and fees project report	23,28
Demolition - 5829 Herman Hill Road	24,47
ECWA Notice of Claim - Hydrant Heinrich Road	27
Co-Location of Towers	28
Concord Supervisor - Concord Water District #2	28
Dzierzanowski - 6710 Mill Street	28,33,52,53,56,58,67
Wohlhueter Road residents - request Water District #3	30
Director Western NY Trial Lawyers Assoc.	34
N. Boston - Municipal Rate - Truck Purchase	37,44,62
Patchin Fire Co. Flea Market	44
Seil - Weller Subdivision	51,59
People Inc. - Payment in lieu of taxes	52
Computel Consultants	59
9177 Boston State Rd. (Decker's Old House) Maintenance	65,69
Adelphia Cable Rate Change	66
Water District #3 Report/Resolution	69
Out of District Water Customer - Quinlan- 6760 -IE Liebler	69
Kuhn Wet Lands	70
Boyd Mobile Home Park	54,64,66,75,89,98
Appointment Acting Assessor	72,75
Top Soil-Shredding - SHARCO Enterprises - 6752 Mill Street	76
Unsafe Building - Crowley - 7050 Eckhardt Road	76,77
ECWA - Rishel - Kevin Drive Tap-In	78
ECWA - Lelonek-6661 Ward Road - Out of Dist. Water	78,84,90,104
Drainage Problem - Kuhn Property - Boston State Rd-easements	79
Political sign size	80,92
Heffley, 7150 Omphalius Rd-Accessory Building	82,88,101,115,128
Parkside Drive - Dumpster	84
Refuse & Garbage contract bids	88,92,98,106,107
Sharco Enterprize Special Use Permit	90,100
Creekside Sewer Remediation Project	8,82,83,103,104,106,107
Colden - Forming Water District	103

**TOWN ATTORNEY/LEGAL (CONT):**

National Fuel Exposed supply line pipe - Town Park	110
Hickory Meadows Subdivision	110
Professional Computer Support Contract	110,115
Bonérb Property-ownership question	115
Tentative Equalization Rate	116
Local Law #3 - Plowing Across Public Highways	119,126,127
Master Plan (Proposals)	98,102,118,119

**TOWN BOARD:**

NY City Association of Towns Conference	17
"Glad Your Hair" project - NYS DOT violation	65
Assessor - Leave of Absence	68
Special Meeting	68,72,73,126

**TOWN CLERK:**

NY City Association of Towns Conference	17
Annual Report 1998	17
Vital Statistics Report	19
Computer Program	23
Anthrax Pamphlets	23
Records Grant	43
Microfilming Proposals - Building Department	43
Town Clerk - Military Leave	59
Disaster Plan Report	66
NYS Conservation Licenses schedule/deadlines	69,77
Update phone system	90

**TOWN HALL FACILITIES/PROPERTY:**

Welcome Wagon Plant Sale	30
Congressman Quinn Outreach Program	42
Hillfest	57
Park Imp. Project Completion Report - NYS Parks & Rec Office	86

**TOWN JUSTICES (SEE COURT OFFICES):****TOWN PARK:**

Easter Egg Hunt	22
Park Imp. Project Completion Report - NYS Parks & Rec Office	86

**TRAFFIC AND ROADWAYS COMMITTEE**

Town Board Liaison Appointment	2
Appointments	2
Patchin Flea Market	54
Back Creek & Hillcroft Drive - Signs	55,79
Lower East Hill - Signs	79
Car Seat Safety Inspection Program	89,99
Hywood Drive - speed limit reduction request	99,105
Greenbriar Terrace - Hillcroft - Install stop signs	99,105
Speeding enforced-South Abbott Road/Meadow Drive	99
Stop sign request - Rogers, 9856 Emerling Road	101,107
Cole Road - Bus signs on turn-around	107
Julia Czechowski, 8734 Boston St Rd-St Rd. Shoulders	94,112
Street Lights - Cole Road	120

**VANDALISM:**

Town Parks	56
------------	----

**VARIANCE REQUESTS:**

Heffley, 7150 Omphalius Road-Accessory Building	82,88
---	-------

**YOUTH ADVISORY BOARD:**

Meeting Report	38
----------------	----

**WATER:**

Public Hearing - East Hill WD#3	8
WD#3 Report	21,69,124
Reso #4 - Formation of WD#3	21
WD#2 - Certificate of Substantial Completion	22
Concord Supervisor - Concord Water District #2	28
Wohlhueter Road residents - request Water District #3	30
Waterline Restoration Project	16,48

<b>WATER (CONT):</b>	
Out of District Request - Moritz - 6760 Liebler Road	61
WD#2 Report	63
WD#2 Zimmerman Road Tank Report	69,77,83,97,107
Out of District Request - Quinlan- 6760 -IE Liebler	69
ECWA - Rishel - Kevin Drive Tap-In	78
ECWA - Lelonek - 6661 Ward Rd - Out of Dist. Water	78,84,90,104
WD#3 Reso 26-Approve Form/Content Bond Reso-WD#3	102,115
Colden - Forming Water District Discussions	103
TVGA - Change order WD#2 - West Hill Water Project WD#2	117
Nusbaumer & Clarke Proposal - East Hill WD#3	117
TVGA - Change order - Kandy Co. WD#2	117
Keller/Zimmerman Road - waterline problem	125
<b>WATER DISTRICTS (ERIE COUNTY WATER AUTHORITY):</b>	
ECWA Notice of Claim - Hydrant Heinrich Road	27
ECWA Tariff Amendments	42
ECWA Annual Water Supply Statement	57
Annual Meeting/Report	68
ECWA - Rishel - Kevin Drive Tap-In	78
ECWA - Lelonek - 6661 Ward Rd - Out of Dist. Water	78,84,90,104
ECWA - 2000 O&M Budget & Capital Budget	116,120
<b>WELCOME WAGON:</b>	
Plant Sale	30
Creative Playground Donation	63
Memorial Tree - Margaret Mead	94
<b>WET LANDS:</b>	
Kuhn property - Boston State Road	62
<b>ZONING BOARD OF APPEALS (REVIEW COMMITTEE):</b>	
Appointments	3,43
Local Law #1-Alternates - Planning, Zoning Boards	22,31
Meeting schedule - Fees review	51
Alternate Member Request/appointment	63,75
Dunmire, 6668 Redwing Drive - Second Accessory Building	67
Heffley, 7150 Omphalius Road-Accessory Building	82,88,128
<b>ZONING LAWS:</b>	
Local Law #2 - Amend Zoning Law of Town of Boston	28,38,47

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

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

A motion was made by Councilman Tills and seconded by Councilman Mead to adopt the minutes of the December 16, 1998 Regular Town Board Meeting and the December 30, 1998 Special Meeting.

five (5) Ayes Carried

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

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #1, dated January 6, 1999 in the amount of \$65,468.08 be paid.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Wiktor that the Highway Bills on Abstract #1, dated January 6, 1999 in the amount of \$21,614.33 be paid.

five (5) Ayes Carried

Received and filed notification from the Erie County Department of Public Works, Division of Highways, that no signs may be installed in the triangular piece of land at Abbott Road (CR28) and Boston State Road.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to appoint the following, terms to expire 12/31/99:

Joseph G. Terrizzi	Deputy Town Attorney/Prosecutor
Damian P. Wiktor	Deputy Supervisor
Lucille C. Genzel	Assistant to Supervisor
Dennis J. Kramer	Code Enforcement Officer PT
Frank H. Lisowski Jr.	Deputy Code Enforcement Officer, PT
Richard P. Waszak	Dog Control Officer, PT
Donna Huson	Dep. Dog Control Off./Enumerator, PT
Gerald O'Brien	Recreation Director, PT
John Politowski	Court Officer, PT
Joyce Thurber	Court Clerk
Sondra Kadlubowski	Bookkeeper
Julie Costello	Assessment Clerk, PT
Thelma Faulring	Secretary to Boards/Committees
Joyce Rote	Clerk, PT
Mary Ann Jehle	Town Historian
Margaret Edington	Bingo Inspector
Theresa Horschel	Nutrition Program Director, PT
Donna Pfarner	Asst. Nutrition Program Director, PT
Leo Jensen	Laborer PT
Kim Rados	Cleaner PT
Joyce Carr	Marriage Officer
Herbert Klein	Liaison -Cobblehill Cemetery

five (5) Ayes Carried

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

Appointments of the Town Board Liaisons by Supervisor Rood for the year 1999 are as follows:

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

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

Supervisor Rood made the following Committee Appointments for 1999:

AUDIT COMMITTEE

Town Board Members

TRAFFIC SAFETY AND ROADWAYS COMMITTEE

Councilman Simmeth-Chairman	Sgt. Don Gardon
Alan Carpenter	

INSURANCE COMMITTEE

Town Clerk Shenk-Chairman	Councilman Tills
Brian Baty	Michael Perley

CREATIVE PLAYGROUND COMMITTEE

Councilman Tills-Chairman	Leo Jensen
Eric Pearlstein	David Tomasello

SENIOR CITIZENS COUNCIL GROUP #1

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

SENIOR CITIZEN COUNCIL GROUP #2

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

INVESTMENT ADVISORY COMMITTEE

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

SOLID WASTE AND REFUSE COMMITTEE

Councilman Simmeth-Chairman	Michael Perley
Supervisor Rood	Town Clerk Shenk

CAPITAL IMPROVEMENTS

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

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

INSPECTION COMMITTEE

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

CABLE TV COMMITTEE

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

DRAINAGE COMMITTEE

Councilman Simmeth-Chairman	Hwy. Supt. Ruchalski
Wayne Kreitzbender	

ZONING REVIEW COMMITTEE

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

SAFETY COMMITTEE

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

RECORDS COMMITTEE

Town Clerk Sherk-Chairman	Supervisor Rood
Karen Ellis	Leo Jensen

DEFERRED COMPENSATION

Karen Ellis, Chairman	Councilman Wiktor
Richard Kennedy	Brian Baty
Supervisor Rood	

HILLFEST CELEBRATION

Sherri Pluta, Chairman	Donna Huson
Michael/Evelyn Kazinski, Treas	Marge Edington
Karen Ellis	Lucille Genzel
Lisa Rood	Sondra Kadlubowski
Dennis Mead	Stephen Tills
Bill Mansfield	Wally Odden
Kathy Smolinski	Barbara DuMain
JoAnn Harig	John/Susan Szalay
Jeff Wright	Barb Ballachino
Audrey Frank	

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to establish the following Salary Schedule for 1999:

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

<u>Position</u>	<u>Salary</u>
Deputy Supervisor, PT	500/Yr.
Assistant to the Supervisor	19,580/Yr.
Bookkeeper	18,050/Yr.
Clerk-Typist, PT	9.65/Hr.
Clerk to Justices	14,000/Yr.
Assessment Clerk, PT	8,800/Yr.
Clerk, PT	9.15/Hr.
Town Attorney	22,650/Yr.
Dep. Attorney/Prosecutor	10,350/Yr.
Court Officer, PT	3,480/Yr.
Deputy Town Clerk	20,680/Yr.
Secretary to Boards	9.15/Hr.
Recreation Director, PT	7,185/Yr.
Code Enforcement Officer, PT	10,350/Yr.
Dep. Code Enforcement Officer, PT	5,000/Yr.
Dog Control Officer, PT	7,300/Yr.
Dep. Dog Control Officer & Enumerator, PT	3,200/Yr+\$1 per dog
Nutrition Program Director	6.48/Hr.
Asst. Nutrition Program Director	6.48/Hr.
Cleaner, PT - Town Hall	2,680/Yr.
Laborer, PT - Town Hall	8.42/Hr.
Bingo Inspector	33.00/Per Insp.
	45.00/Per Dbl Bingo
Assessor, PT	25,020/Yr.
Cobblehill Cemetery Liaison	275/Yr.
Records Management Officer	No Salary
Registrar of Vital Statistics	1/Yr.
Dep. Registrar of Vital Statistics	1/Yr.
Marriage Officer	No Salary
Town Historian	2,060/Yr.

Election Inspectors - Per Day

Primary Day	110.00
Chairman	15.00
Election Day	110.00
School	25.00

Highway Department

Working Crew Chief	16.05/Hr.
M.E.O'S	15.05/Hr.
Truck Drivers	11.75/Hr.
M.E.O. Trainee	9.78-14.42/Hr.
Laborers	5.76- 8.50/Hr.

five (5) Ayes Carried

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

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule the dates and times for the Regular Monthly Meetings and Agenda Review as follows:

Town Board Meeting - First and third Wednesday  
of each month at 7:30 p.m.

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

Agenda Review:

Monday prior to the first Wednesday of each month at 7:00 p.m. and if this is a holiday, the sessions will be held on the following day at 7:00 p.m. and on the third Wednesday at 6:15 p.m.

five (5) Ayes

Carried

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

five (5) Ayes

Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to set the payment of salaries for 1999 as follows:

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

five (5) Ayes

Carried

A motion was made by Supervisor Rood and seconded by Councilman Tills to appoint Councilman Simmeth as a Representative on the NEST (Northeast-Southtowns) Solid Waste Management Board, term to expire December 31, 1999.

five (5) Ayes

Carried

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

five (5) Ayes

Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to accept the investment policy previously adopted by the Town Board where idle town monies may be invested, subject to any further regulation from the State Comptroller pursuant to section 39 of the General Municipal Law as follows:

1. Obligations of Federal Government - Treasury Notes, Treasury Bills, etc.
2. Obligations of Federal Agencies Guaranteed by the Government.
3. Obligations of the State of New York
4. Certificates of Deposit in Commercial Banks which are FDIC insured.
5. Regular Savings Accounts, Money Market Accounts in Commercial Banks if proper securities are provided for all monies invested in excess of amt. secured by FDIC.
6. Tax Anticipation Note and Revenue Anticipation Notes of another municipality, district, corporation or school district, any other investments not listed will require prior approval by the Town Board and be in conformance of all state statutes.

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

five (5) Ayes

Carried

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize the use of a signature stamp and a check writer machine by the Supervisor as required by the State Comptroller.

five (5) Ayes

Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to set the town mileage rate at \$.30 per mile.

five (5) Ayes

Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to schedule the Annual Audit Meeting for January 20, 1999 and direct the Town Clerk to notify all personnel who handle monies to attend.

five (5) Ayes

Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to authorize lending funds from one account to another.

five (5) Ayes

Carried

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

five (5) Ayes

Carried

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

five (5) Ayes

Carried

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

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

five (5) Ayes

Carried

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

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

five (5) Ayes

Carried

# TOWN OF BOSTON



TOWN OF BOSTON

RESOLUTION 1999-01

PROCUREMENT POLICY

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 6th day of January 1999 at 7:30 P.M. Eastern Standard Time, there were:

Present:

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

Supervisor Rood presented the following resolution and moved its adoption:

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

NOW THEREFORE:

BE IT RESOLVED, the Town of Boston does hereby adopt the following procurement policies and procedures for 1999:

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

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

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

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

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

# TOWN OF BOSTON



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

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

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

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

Guideline 7. Notwithstanding any of the foregoing provisions of this policy, no purchase in excess of \$1,500 shall be made without authorization from the Town Board.

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

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

Supervisor Rood	Voting <u>Aye</u>
Councilman Wiktor	Voting <u>Aye</u>
Councilman Tills	Voting <u>Aye</u>
Councilman Simmeth	Voting <u>Aye</u>
Councilman Mead	Voting <u>Aye</u>

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

*David A. Sherk*  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

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

five (5) Ayes Carried

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

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

five (5) Ayes Carried

RESOLUTION 1999 - 1 PROCUREMENT POLICY

A motion was made by Supervisor Rood and seconded by Councilman Mead to set the following 1999 Holidays for the Town of Boston:

January 1, Friday - New Year's Day, January 18, Monday - Martin Luther King, Jr., February 15, Monday - Patriot's Day, April 2, Friday - Good Friday, May 31, Monday - Memorial Day, July 5, Monday - Independence Day, September 6, Monday - Labor Day, October 11, Monday - Columbus Day, November 02, Tuesday - Election Day, November 11, Thursday - Veteran's Day, November 25, Thursday - Thanksgiving Day, \*December 23, Thursday - 1/2 Christmas Eve, December 24, Friday - Christmas Day, \*December 30, Thursday - 1/2 New Year's Eve, New Year's Day (Year 2000) December 31, Friday.

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

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint R & D Engineering, P.C. as the Town Engineering Firm for a fee of \$3,000 yearly, utilizing additional services with fees as described in the contract, term to expire December 31, 1999 and to authorize Supervisor Rood to sign contracts.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Tills, on the recommendation of the Planning Board, to re-appoint Richard Brox as Town Planner, for a fee of \$1,900 per year, utilizing additional services with fees as described in the contract, term to expire December 31, 1999.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to amend the Hickory Meadows Subdivision Recreation Fee Schedule approved at the 12/2/98 Town Board Meeting as follows:

Total Recreation Fee:	(\$300 per lot X 44 lots)	\$13,200
First Payment	- Sale of 1st lot	\$2,400
Second Payment	- Sale of 10th lot	\$5,400
Third Payment	- Sale of 15th lot	\$5,400
Total		\$13,200

five (5) Ayes Carried

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

SUPERVISOR REPORT

Supervisor Rood noted that there was an article in the Buffalo News today on the Creekside Subdivision Sewer Project and just today notification was received from the County of Erie, Department of Environment & Planning Division, of a CDBG approval of \$90,000 for the Town of Boston Sewer Rehabilitation Project. Supervisor Rood commented that this is excellent news for the Creekside Subdivision residents because that is \$90,000 less that they will have to come up with for the sewer rehabilitation project that is desperately needed in that area.

Supervisor Rood noted that an amendment to a previous CDBG request was for a new back door for the town hall. An estimated date for installation will be January 13, 1999. Supervisor Rood commented that this new door will make it much easier for the seniors to attend functions.

TOWN CLERK REPORT

Received and filed the Monthly Registrar of Vital Statistics Report for December 1998.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski announced the Highway Department will begin picking up Christmas trees and if residents wish they may bring them to the Highway Barn.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to authorize the Highway Dept. to pick up Christmas trees.

five (5) Ayes

Carried

Highway Superintendent Ruchalski reported that the new 1999 International truck ordered three (3) months ago is scheduled to be in Boston tomorrow for approval before having the snow plowing equipment installed. It will be two (2) to three (3) weeks before it is in service.

At 8:01 p.m. a Public Hearing was held on the Order Calling Further Public Hearing in the matter of the Establishment of the East Hill Water District No. 3, in the Town of Boston.

Supervisor Rood noted that the legal notice was printed in the Hamburg Sun and the Springville Journal and that this is our third public Hearing on this matter.

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

five (5) Ayes

Carried

Supervisor Rood: At this point I will turn the Public Hearing over to the Town Attorney where he can summarize what is going on and our engineer is present from Nussbaumer and Clarke, Bruce Shearer. He has a fax sheet and we have about thirty (30) copies to pass out. If you raise your hand, my assistant Lucille can pass them out to those in the group that are interested in them.

Town Attorney Perley: With Bruce's permission I will summarize why we are holding another Public Hearing. To refresh everyone's recollection there was a Public Hearing and an Order adopted by the Town Board to establish this district and that Order was subject to a referendum which passed by about a hundred (100) vote margin. I remember the referendum quite well. Since that time there have been two (2) modifications to the district. One was a geographic modification as a small part of the district was removed because it

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

**LEGAL NOTICE**  
**TOWN OF BOSTON**  
At a regular meeting of the Town Board of the Town of Boston, in the County of Erie, New York, held at the Town Hall in the Town of Boston, on the 16th day of December, 1998.

**PRESENT:**  
Hon. Lisa M. Rood, Supervisor  
Dimitris P. Wiktor, Councilperson  
Stephen K. Tills, Councilperson  
Earl J. Simmett Jr., Councilperson  
Dennis J. Mead, Councilperson

**ORDER CALLING**  
**FURTHER PUBLIC HEARING**  
January 6, 1999  
In the Matter  
of the

Proposed Establishment of East Hill  
Water District No. 3, in the  
Town of Boston, in the County of Erie,  
New York, pursuant to Article 12-A  
of the Town Law.

WHEREAS, the Town Board of the Town of Boston (herein called "Town Board" and "Town," respectively), in the County of Erie, New York, has caused Nussbaumer & Clarke, Inc., competent engineers, duly licensed by the State of New York, to prepare a general map, plan and report, for the proposed establishment of East Hill Water District No. 3, in the Town, including the construction of a water system therein; consisting of the installation of a pump station, water storage tank, approximately 2,500 linear feet of 10-inch diameter PVC waterline and approximately 55,000 linear feet of 8-inch diameter PVC waterline, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, fittings, service connections, fill appurtenances and related site work, which Water Improvement was to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the District, and which map, plan and report had been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the construction of such Water Improvement was estimated to be \$2,400,000; and

WHEREAS, the Town Board of the Town of Boston in the County of Erie, New York, has now caused Nussbaumer & Clarke, Inc., to prepare an amended general map, plan and report, for the proposed establishment of East Hill Water District No. 3 (the "District"), in the Town, including the construction of a water system therein; consisting of the installation of a pump station, a water storage tank, approximately 3,100 linear feet of 10-inch diameter PVC waterline and approximately 41,700 linear feet of 8-inch diameter PVC waterline, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, fittings, service connections, fill appurtenances and related site work (the "Water Improvement"), which Water Improvement is to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the District, and which map, plan and report has been duly filed in the office of the Town Clerk of the Town for public inspection; and

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

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

WHEREAS, the proposed District is bounded and described as follows:

**LEGAL DESCRIPTION**  
**WATER DISTRICT NO. 3**  
October 6, 1998

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Boston, County of Erie, State of New York, and being part of Lots 4, 5, 6, 7, 8, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, Township 8, Range 7 of the Holland Land Company's survey, bounded and described as follows:

Beginning at a point in the northeast corner of the Town of Boston, said point being further described as the southeast corner of the Town of Orchard Park, the southwest corner of the Town of Aurora, the northwest corner of the Town of Colden, thence southerly along the easterly lines of Lots 70, 69, 68, 67, and 66 to the southeasterly corner of lands con-

veyed now or formerly to Jerome Nutt by Liber 7691 of Deeds at Page 169, thence westerly, along the southerly line of said Nutt lands, and continuing westerly along the projected line of said Nutt lands to the southwest corner of lands conveyed now or formerly to James and Susan Bergantz by Liber 10641 of Deeds at Page 471, said point being further described as being the west line of Lot 66, thence northerly along the west line of Lot 66, to the southeast corner of lands conveyed now or formerly to Alfred Kaefer and Wife by Liber 6837 of Deeds at Page 537; thence westerly along the southerly line of said Kaefer lands to the southwest corner thereof, thence northerly along the westerly line of said Kaefer lands to the southeast corner of lands conveyed now or formerly to Charles and Patricia Zimmerman by Liber 9115 of Deeds at Page 367; thence westerly along the southerly line of said Zimmerman lands to the centerline of Cole Road (66 feet wide), thence northerly along the centerline of Cole Road to the southeast corner of lands conveyed now or formerly to Thomas Holome by Liber 9371 of Deeds at Page 93; thence westerly along the southerly line of said Holome lands to the southwesterly corner thereof, said line being further described as the west line of Lot 58; thence northerly along the westerly line of Lot 58 to the southeasterly line of lands conveyed now or formerly to Andrew Zubricky and Wife by Liber 7520 of Deeds at Page 605; thence westerly along the southerly line of said Zubricky lands to the southwest corner thereof; thence northerly along the westerly line of said Zubricky lands to the southeasterly corner of lands conveyed now or formerly to Frank Sibiga and Wife by Liber 8050 of Deeds at Page 594; thence southwesterly, northerly, northeasterly and northerly to the southerly line of Lot 5; thence westerly along the southerly line of Lot 5 to the southwesterly corner of lands conveyed now or formerly to Shuaib A. Shuaib by Liber 9199 of Deeds at Page 444; thence northerly along the westerly line of said Shuaib lands to the southeasterly line of lands conveyed now or formerly to Donald Gravis and Wife by Liber 7326 of Deeds at Page 121; thence westerly along the southerly line of said Gravis lands to the southwesterly corner thereof, said corner being further described as the easterly line of Lot 13; thence northerly along the easterly line of Lot 13 to the southeasterly corner of lands conveyed now or formerly to Helen Lonegahn by Liber 6011 of Deeds at Page 353; thence westerly along the southerly line of said Lonegahn lands and the southerly line of lands conveyed now or formerly to Michael L. Payne and Wife by Liber 8855 of Deeds at Page 63, to a point at an intersection of the easterly line of lands conveyed now or formerly to Gregory Briggs by Liber 9228 of Deeds at Page 585; thence southerly along the easterly line of said Briggs land to the southeasterly corner thereof; thence westerly along the southerly line of said Briggs lands to the southwest corner thereof, said corner being further described as being the easterly line of lands conveyed now or formerly to Robert D. Robson and Wife by Liber 8955 of Deeds at Page 274; thence northerly along the easterly line of said Robson lands to the southeasterly corner of lands conveyed now or formerly to Chester and Pat Rosinski by Liber 7838 of Deeds at Page 293; thence westerly along the southerly line of said Rosinski lands and the southerly line of lands conveyed now or formerly to Donna Wolecki by Liber 9945 of Deeds at Page 157, said point being further described as being on the easterly line of Niagara Mohawk Power Corp. by Liber 1685 of Deeds at Page 454 and Liber 1687 of Deeds at Page 254, said line being further described as an abandoned railroad owned by Niagara Mohawk Power Corp., thence northwesterly along the easterly line of said Niagara Mohawk Power Corp. to the northerly line of Liebler Road (66 feet wide); thence easterly along the northerly line of said Liebler Road to the westerly line of lands conveyed now or formerly to Richard Roehner by Liber 8559 of Deeds at Page 525; thence northerly along the westerly line of said Roehner lands to the northwesterly corner of land conveyed now or formerly to Eugene J. May by Liber 9912 of Deeds at Page 271; thence easterly along the northerly line of said May lands to the southeast corner thereof, thence southerly along the easterly line of said May lands to the northwesterly corner of lands conveyed now or formerly to Ronald and Audrey R. Hillman by Liber 9339 of Deeds at Page 168, thence easterly along the northerly line of said Hillman lands and the northerly line of lands conveyed now or formerly to James L. Barbati and Wife by Liber 8966 of Deeds at Page 550, Thomas Jusiak and Wife by Liber 7711 of Deeds at Page 63, Richard M. Jerome by Liber 7662 of Deeds at Page 121, Henry Griebie and Wife by Liber 6905 of

Deeds at Page 477, to the westerly line of lands conveyed now or formerly to Anthony Dubrinski by Liber 5605 of Deeds at Page 1, said line being further described as the west line of Lot 5; thence northerly along the west line of Lot 5 to the south line of Lot 6; thence westerly along the south line of Lot 6, and the southerly line of lands conveyed now or formerly to Ernest Celani and Wife by Liber 9481 of Deeds at Page 354, Michael and Barbara Nowak by Liber 10411 of Deeds at Page 404, Dan Hurtubise and Shirley by Liber 10598 of Deeds at Page 754 to the southwest corner of said Hurtubise, thence northerly, westerly and northerly along the west line of said Hurtubise lands and lands conveyed now or formerly to Mark Junker by Liber 9318 of Deeds at Page 569 to the southwesterly corner of lands conveyed now or formerly to Thomas and Charlene Makowski by Liber 9640 of Deeds at Page 49; thence easterly along the southerly line of said Makowski to the southeast corner thereof, thence northerly along the easterly line of said Makowski to the northeasterly corner thereof; thence westerly to the easterly line of lands conveyed now or formerly to Richard and Shirley Huchey by Liber 9357 of Deeds at Page 441; thence southerly along the easterly line of said Huchey lands to the southeasterly corner thereof, thence westerly, southerly, and westerly along the southerly line of said Huchey lands to the west line of lands conveyed now or formerly to James Laskowski by Liber 10102 of Deeds at Page 261; thence southerly along the easterly line of said Laskowski lands to the southeasterly corner thereof, thence westerly along the southerly line of said Laskowski lands to the southwest corner thereof, said point being further described as the easterly line of lands conveyed now or formerly to Ruth Musser by Liber 7604 of Deeds at Page 481; thence southerly along the easterly line of said Musser lands to the southeasterly corner thereof, thence westerly along the southerly line of said Musser lands, a distance of 700 feet to a point; thence northerly through the lands of said Musser to the westerly corner of lands conveyed now or formerly to Charles Kreuger by Liber 7741 of Deeds at Page 70; thence westerly and northerly to the southerly line of lands conveyed now or formerly to Robert E. Darling and Wife by Liber 6307 of Deeds at Page 410; thence easterly along the southerly line of said Darling lands to the southeasterly corner thereof; thence northerly along the easterly line of said Darling lands to the centerline of Omphalius Road (66 feet wide); thence northwesterly along the centerline of Omphalius Road to the southwesterly corner of lands conveyed now or formerly to Thomas Rzepecki and Wife by Liber 8206 of Deeds at Page 493; thence northerly along the westerly line of said Rzepecki to the southerly line of lands conveyed now or formerly to Peter and Susan Lindner by Liber 10316 of Deeds at Page 411; thence westerly along the southerly line of said Lindner lands to the southwest corner thereof; thence northerly along the westerly line of said Lindner lands to the northwest corner thereof; thence easterly along the northerly line of said Lindner lands to the southwesterly corner of lands conveyed now or formerly to Theresa Bates by Liber 10275 of Deeds at Page 208; thence northerly along the westerly line of said Bates lands and the westerly line of lands conveyed now or formerly to Paul and Susan Belford by Liber 10426 of Deeds at Page 259 to the northwesterly corner thereof; thence easterly along the northerly line of said Belford lands to the northeasterly corner thereof, said corner being further described as being a point on the easterly line of lands conveyed now or formerly to Warner Martin by Liber 10362 of Deeds at Page 761; thence northerly along the easterly line of said Martin lands to the northeast corner thereof, said corner being further described as being conveyed now or formerly to Warner Martin by Liber 9539 of Deeds at Page 236; thence easterly along the southerly line of said Martin lands to the southeasterly corner thereof, said corner being further described as on the west line of Lot 6; thence northerly along the west line of Lot 6 to the northeast corner of lands conveyed now or formerly to Warner Martin by Liber 9539 of Deeds at Page 236; thence westerly along the northerly line of said Martin lands to the northwesterly corner of lands conveyed now or formerly to Frank Szeliga by Liber 5463 of Deeds at Page 209; thence southerly along the easterly boundary of said Szeliga lands to the southeast corner thereof, thence southwesterly along the easterly line of lands conveyed now or formerly to Eugene Braumbach by Liber 6578 of Deeds at Page 311, to the northeasterly corner of lands conveyed now or formerly to Herbert Burgasser by Liber 9351 of Deeds at Page 338; thence southerly

along the easterly line of said Burgasser lands to the southeast corner thereof, said corner being further described as being on the northerly line of Lot 14; thence westerly along the northerly line of Lot 14 to the southwesterly corner of lands conveyed now or formerly to Russell J. Tomakaty by Liber 9895 of Deeds at Page 574; thence northwesterly along the westerly line of said Tomakaty lands to the southeasterly corner of lands conveyed now or formerly to Mark Heusinger by Liber 10463 of Deeds at Page 44; thence westerly along the southerly line of said Heusinger lands and the southerly line of lands conveyed now or formerly to Joseph Skupien by Liber 4935 of Deeds at Page 175, to the easterly line of lands conveyed now or formerly to Roland Georger by Liber 4063 of Deeds at Page 475; thence northerly to the northeasterly corner of lands conveyed now or formerly to Eugene Schunk by Liber 6648 of Deeds at Page 172, said point being further described as being a point on the southerly line of land conveyed now or formerly to Keith Gaydek by Liber 10042 of Deeds at Page 561; thence easterly along the southerly line of said Gaydek lands to the southeast corner thereof, thence northerly, westerly and northerly along the easterly line of said Gaydek lands to the northwesterly corner of lands conveyed now or formerly to Nelson Logal by Liber 8582 of Deeds at Page 13; thence easterly along the northerly line of said Logal lands to the southeasterly corner of lands conveyed now or formerly to Clara Miller estate c/o Mary Rauch, Executrix, by Liber 4012 at Page 104; thence northerly along the easterly line of said Miller and Andres lands and projecting northerly through lands conveyed now or formerly to Kevin D'Angelo by Liber 10314 of Deeds at Page 420 and Frank Wong by Liber 10204 of Deeds at Page 117 to the south line of Lot 15; thence westerly along the south line of Lot 15 to the southeast corner of lands conveyed now or formerly to Clifford Koppman and Eileen Conigliosi by Liber 10196 of Deeds at Page 172; thence northerly to the southwest corner of lands conveyed now or formerly to Elizabeth Holmes by Liber 10599 at Page 138; thence easterly along the southerly line of said Holmes lands to the southeast corner thereof; thence northerly along the easterly line of said Holmes lands to the centerline of Town Line Road; thence easterly along the centerline of Town Line Road to the northwesterly corner of lands conveyed now or formerly to John and Dorothy Solomon by Liber 9660 of Deeds at Page 385; thence southerly along the easterly line of said Solomon lands to the southeasterly corner thereof; thence easterly along the southerly line of lands conveyed now or formerly to Edward and Katherine Simon by Liber 9395 of Deeds at Page 397 and Robert Magiera by Liber 9457 of Deeds at Page 54, to the westerly line of lands conveyed now or formerly to Alexander Obrockta by Liber 3225 of Deeds at Page 64; thence southerly along the westerly line of Obrockta to the southwest corner thereof; thence easterly along the southerly line of said Obrockta lands to the southeasterly corner thereof; thence northerly along the easterly line of said Obrockta lands a distance of 6502 feet to a point, said point being further described as 6502 feet south from the centerline of Town Line Road; thence easterly and parallel to Town Line Road to the westerly line of lands conveyed now or formerly to Thomas R. and Lori Donohue by Liber 9380 of Deeds at Page 206; thence northerly along the westerly line of said Donohue lands a distance of 1502 feet; thence easterly through said Donohue lands and the southerly line of lands conveyed now or formerly to Thomas R. and Lori Donohue by Liber 9380 of Deeds at Page 206 to the southeast corner thereof, continuing easterly and parallel with Town Line Road through lands conveyed now or formerly to Richard and Donna Russett by Liber 10877 of Deeds at Page 1649, to the west line of lands conveyed now or formerly to Michael Marshall by Liber 9609 of Deeds at Page 60; thence southerly to the southwest corner thereof, thence easterly along the southerly line of said Marshall lands to the southeasterly corner thereof, said point being further described as being the west line of Lot 62; thence northerly along the west line of Lot 62 to the northwesterly corner of lands conveyed now or formerly to Edward Young and Russell Miller by Liber 9938 of Deeds at Page 650; thence easterly along the north line of said Young lands to the westerly line of lands conveyed now or formerly to Martin and Ellen Januszkiewicz by Liber 10065 of Deeds at Page 24; thence southerly along the westerly line of said Januszkiewicz lands to the southwest corner thereof, thence easterly along the southerly line of said Januszkiewicz lands to the southeast corner thereof, thence northerly along the easterly line of said Januszkiewicz lands

to the centerline of Town Line Road, thence easterly along the centerline of Town Line Road to the point of place of beginning.

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

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

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

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

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

thence southerly along the east line of said lands of Overfield, a distance of about three hundred twenty feet (320') to the southeast corner of said lands of Overfield; said point being in the north line of lands now or formerly owned by Kurt Sedlmeyer (227.00-5-1);

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

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

thence westerly along the south line of said lands of Sedlmeyer, a distance of about five hundred eighty feet (580') to the northeast corner of lands now or formerly owned by Kurt Sedlmeyer (227.00-1-2-111);

thence southerly along the east line of said lands of Sedlmeyer and continuing southerly along the east line of lands now or formerly owned by James and Carol Dutchman (227.00-1-2-112), a distance of about eight hundred thirteen feet (813') to the southeast corner of said lands of Dutchman;

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

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

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

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

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

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

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

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

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

ALSO  
All that tract or parcel of land situate in the Town of Boston, County of Erie,  
Continued on Page 17

State of New York, being part of Lot 14, Township 8, Range 7 and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Omphalus Road on the east line of the Town of Boston Water District No. 1 at the northwest corner of lands now or formerly owned by Larry Rozborski (226.02-7-3-1);

thence easterly along the centerline of Omphalus Road, a distance of about one thousand twenty-seven feet (1027') to the northeast corner of lands now or formerly owned by Ruth Musser (227.00-6-5-1);

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

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

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

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

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

thence southwesterly along the south line of said lands of Musser, a distance of about one hundred twenty-six feet (126') to the southeast corner of lands now or formerly owned by Lawrence M. Rozborski and Wife (226.02-7-03-11);

thence westerly along the various courses of the south line of said lands of Rozborski and continuing westerly along the south line of lands now or formerly owned by Lawrence M. Rozborski and Wife (226.02-7-3-2) and said lands now & formerly owned by Larry Rozborski (226.02-7-3-1), a distance of about five hundred twenty-three feet (523') to the southwest corner of said lands of Larry Rozborski; thence northerly along the west line of said lands of Rozborski and the east line of the Town of Boston Water District No. 1, a distance of about four hundred twenty feet (420') to the point or place of beginning.

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

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

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

to the northeast corner of said lands of Salter;

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

thence westerly along the various courses of the south lines of said lands of Salter, a distance of about eight hundred forty-six feet (846') to the northeast corner of lands now or formerly owned by Ronald and Audrey R. Hillman (227.00-5-18);

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

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

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

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

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

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

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

WHEREAS, the maximum amount proposed to be expended for the construction of such Water Improvement is estimated to be \$3,000,000, which is planned to be financed by the issuance of \$2,200,300 serial bonds of the Town, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, with the Town's expectation being that the balance of the necessary financing will be obtained through the United States of America and/or the Erie County Water Authority;

Now, therefore, be it  
DETERMINED AND STATED that the estimated cost of hook-up and meter fees is \$1,100 and the estimated cost of

the District to the Typical Property (as defined in the Town Law) is \$610.41, and that the Town Board has heretofore caused to be prepared and filed for public inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the District to such Typical Property is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller; and be it

ORDERED, that a regular meeting of the Town Board of the Town be held at the Town Hall, in the Town, on the 6th day of January 1999, at 8:00 o'clock p.m. (Prevailing Time), to consider the proposed establishment of the District as herein referred to, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board within relation thereto as may be required by law; and be it

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

This motion was offered by Supervisor Rood and seconded by Councilman Simmeth  
Carried  
five (5) Ayes  
STATE OF NEW YORK )

ss:  
COUNTY OF ERIE )

I, DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, State of New York, DO HEREBY CERTIFY that I have compared the preceding Order Calling Further Public Hearing with the original thereof filed in my office on the 16th day of December, 1998, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 17th day of December, 1998.

David J. Shank  
Town Clerk  
12-21

Public Hearing (Cont.):

Town Attorney Perley (Cont.): could be incorporated into an extension to Water District No. 1. That was accomplished about a year and a half ago. From the time of the original Public Hearing on this district formation, the responsibility for certain aspects of the district have changed and that is what necessitates the Public Hearing this evening. Initially when the Order was adopted, the assumption was, and the understanding was, that the ECWA would construct a pump station at the Ward Road site where the Ward Road tank is, for the purpose of pumping water to a tank to be situated on Wohlhueter Road. From that

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

Public Hearing (Cont.):

Town Attorney Perley (Cont.): time forward there was a change in the administration of the ECWA among other things and their position changed. Over the past two or three years that we have been in contact with them and instead of undertaking that construction, the ECWA agreed to a \$500,000 grant to the Town of Boston. However, the original Order that formed the district didn't include the responsibility to construct the tank and pump station in the town and as a result we are back tonight so that aspect of this project can be authorized by the Town Board in the formation of the district this evening. The change in responsibility has the unexpected benefit to the residents of the district of actually lowering their cost based upon the current estimates of the funding proposal and funding plan that has come into place. Essentially, as though it looks like on paper that the price has gone up, the actual cost has gone down. With the tank and pump station included in the project, the initial costs to the town would approximate \$3,050,000. This is an increase of about \$740,000 over the cost of the original project. However from that cost, the sum of \$500,000, which is a grant from the ECWA, has been deducted, as part of the funding plan and a \$349,700 grant from the USDARD Grant Program is also being deducted, based upon preliminary indications that we have had from that program that we would be eligible for this funding. This is funding that was obtained by the way, through Nussbaumer and Clarke and through their efforts. That reduces the cost of the project to the Town of Boston to \$2,200,300. Now that is the only part of the project that has changed. The sur-charge on the water usage still applies, therefore the water usage will be at a higher rate than for other areas. This is still based upon the contribution of the ECWA and the construction of the facilities to arrange for this final level of pumping. The debt service that is anticipated for, and I will talk about those people who would be getting water and would have to pay the highest tax, those lots that are serviced and would pay the highest tax, the debt service on the project has been reduced by about \$100 from \$486.13 for our projected average home, and the average home by the way, is a formula that is used under the law to calculate this cost from \$486.13 to \$386.03, and the projected anticipated first year cost for a home getting water and paying the full taxes and paying the full price for the water, has been reduced from \$819.21 to our projected costs of \$628.90. It is a substantial reduction and is based upon the ability of Nussbaumer and Clarke to obtain grant funding which had not been available previously and based upon the contribution of the ECWA. The purpose of this Hearing is to place this modification before the Board so that the formation of the district can be modified and reflect these changes and reflect the additional responsibility the town has in the construction of the district but also will reflect the new funding proposals and the new funding plan that has been put in place by Nussbaumer and Clarke, the Town Board and the ECWA. So that is the reason for the Hearing tonight and that is the summary of where we are and the analysis of the costs involved. This by the way, is within \$100 of the Comptroller's threshold. It used to be about \$300 away so this district stands a much better chance of being approved by the Comptroller. This is very close to the Water #2 numbers.

Harold Frantz, 7515 Wohlhueter: What does the Town of Colden have to do with this? That's all I want to know.

Town Attorney Perley: The Town of Colden has nothing to do with the formation of our district.

Harold Frantz: I understand that they are going down to the town line.

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL,  
7:30 P.M.

Public Hearing (Cont.):

Town Attorney Perley: If there is an agreement between the Town of Boston and the Town of Colden, if they want to use these facilities, they have to make a contribution to the district.

Supervisor Rood: They will have to pay the Town of Boston for the use of our facilities but they need to go forward with their own district.

Harold Frantz: But you don't know for sure yet if they will?

Supervisor Rood: No. But the ECWA required us to get it in writing from the Town of Colden that they would contribute to us for our costs if they do indeed go forward with their own.

Town Attorney Perley: Do we run to the Colden town line?

Bruce Shearer: No.

Town Attorney Perley: We only come up Wohlhueter. We don't run to the town line of Colden anymore.

Bruce Shearer: That is quite a distance actually.

Town Attorney Perley: And it is a ten (10) inch line.

Supervisor Rood: They have to run it themselves if they want it to go to the town line. This Public Hearing is basically because we are restructuring the finances. That is because we are getting additional monies as a grant from RD and we are certain of the \$500,000 contribution from the ECWA. So because of that we had to change the financing structure for this project and any time that you do that you are required by law to go to Public Hearing and that is why this Public Hearing is being held tonight. Mr. Shearer, I did have one question. I had a call this afternoon from a gentleman who is not going to be able to make it tonight, he told me. He lives on Wohlhueter Road, Mr. Mertz. He is concerned that he is going to have a water line across the front of his property and he is not going to be able to tap in to that and he will have to suffer the taxes that would be incurred and not benefit from it and to have to drill a new well. I would like you to address that and the so called "dead zone" around the tank.

Bruce Shearer: Everybody in the district will receive water. That was the intent in forming the district. We do have with any tank facility, we do have, a zone of low pressures, lower than what might be normal throughout the remainder of the district, that area right now will typically be along Wohlhueter Road. It will affect maybe a dozen (12) or twenty (20) homes in that area. What happens in cases like that is that typically we have to use some sort of a booster pump and/or a booster pump and a bladder tank in the house. It's similar to a well system where it will take water at a lower pressure out of the mains and will boost the pressure in the house to service the home. So you can assure this gentleman and the others on Wohlhueter that the intent is to provide water to everybody. We will have to take some special measures in the low pressure areas.

James Bergantz, 7544 Wohlhueter Road: This concept of the dead zone, if we are going to have water I assume one of the benefits is for fire service and hydrants and if you are in a dead zone are you going to have water pressure for hydrants? Will it still have good fire protection?

Bruce Shearer: Yes. There will be sufficient water. Obviously what happens is that there are 500,00 gallons available for fire service and the pumping trucks are able to boost the pressure to respond to the fire.

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

Public Hearing (Cont.):

Gregory Theisen, Vacant property on Eddy Road: I am just curious as to a realistic timetable as to when this may all happen?

Town Attorney Perley: There are so many variables that it is so difficult to predict. If Colden taps in and the agreement with Colden comes into play there will be funds available within the district to begin to really jump start a program like that. These extensions of lines in newly formed districts tend to gain more momentum as time goes on. They tend to start fairly slowly. It really depends upon the level of development. Quite honestly, bond rates at various times, a number of factors come into play. I could sit here and give you a number but there is no way that I could really mean it. It would be a guess and it wouldn't even be that educated of a guess at the moment.

Gregory Theisen: You couldn't even guess when the water tower itself and the main lines will begin?

Town Attorney Perley: I can guess on construction, sure. On the initial build, let's say that this is approved by the Comptroller in May of June, which I think is realistic, it goes into design, that is a three (3) or four (4) month process, isn't it Bruce?

Bruce Shearer: Four (4) to six (6) months.

Town Attorney Perley: A four (4) to six (6) month process. You will be opening the bids right about now, next year. Best time table, maybe a little later than that.

Supervisor Rood: That is the best time table.

Bruce Shearer: Understand also that Eddy Road is in phase one.

Supervisor Rood: It is hard to tell how long it is going to be stuck in Audit & Control in Albany. It could be up to eight (8) months. For the West Hill it was six (6) months. For the engineers to do their final design, another six (6) months and by the time you get everything together to put it out to bid and publish, that's a couple of months. It takes time, believe me, but at least we are rolling with it now at this point and we have some substantial funding behind us. Without that commitment from the ECWA it would have been unfeasible. It would have been dead in the water so we really needed to wait for that commitment and without it we couldn't have gone forward. Between that and the \$349,700 from Rural Development which was a real boost too. It is looking good at this point. In February I am going to NY City for the Association of Governments Conference and I know that there will be representatives from Audit & Control in Albany there and if we can get this application in we can kind of push them from down there too. I can go down and lobby on the side. It gives you a better feeling when you can connect a name and a face and then call and talk to them. It helps.

Bruce Shearer: Just one more thing. Just to remind everyone and those that are reporting, let's not refer to it as a "dead zone." Let's call it a zone of lower pressure.

Mel Kaefer, 7524 Wohlhueter Road: I wasn't aware of where this district ends? Does it cover the whole Wohlhueter Road? Unfortunately, I did not see that article in the Journal. I heard my name was in it but I don't know what it is about.

Town Attorney Perley: It encompasses all of Wohlhueter.

Mel Kaefer: Are we going to have water or are we going to be taxed without any water?

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

Public Hearing (Cont.):

Town Attorney Perley: Well, if you don't have any water you don't pay a lot of tax.

Mel Kaefer: I don't mean a lot I mean a tax.

Town Attorney Perley: Everybody in the district pays some tax.

Supervisor Rood: It will be greatly reduced but it is still considered a benefit if you are in the district.

Mel Kaefer: I did not know if the district had been extended.

Town Attorney Perley: The district remains the same dimensions and the area that is going to be constructed has been reduced in one small area because they are not going to run from the corner of Lower East Hill and Wohlhueter down to the town line in Colden. The line will run from the intersection of Lower East Hill and Wohlhueter up to roughly the high point of Wohlhueter. That's where it will end. It doesn't run down the other side.

A motion was made by Councilman Tills and seconded by Councilman Mead to close the Public Hearing at 8:18 p.m.

five (5) Ayes

Carried

Supervisor Rood received notification from USDA, NY Rural Development that before an environmental review can be completed for the formation and construction of the East Hill Water District No. 3 Project, there is a requirement that a "Preliminary Notice of Possible Impact to "Wetlands", "Important Farmlands", and lands located in an "Agricultural District" be published in a newspaper of general circulation in the project vicinity and in any local or community oriented newspaper in the project area.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to authorize the Clerk to publish Rural Development's Preliminary Notice of Possible Impact to lands located within Wetlands, Important Farmlands and Lands within an Agricultural District and also to send individual copies of the notices to NYS Office of Parks Recreation and Historic Preservation, NYS DEC, US Dept. of the Interior, NYS Agriculture Markets and NRCS.

five (5) Ayes

Carried

COUNCILMAN REPORT

Councilman Mead reported that on New Years Eve he attended a Nutrition Program luncheon. Donna Pfarner, Assistant Program Director mentioned that she would like to see more participation in the program and so flyers will be sent to area churches in hopes of increasing participation.

Supervisor Rood commented that we must make sure that everyone knows we are getting a new back door because many of the seniors were not attending the nutrition program due to the difficulty in opening the rear door.

Councilman Wiktor reported that on December 17, 1998 the Town Board members had a tour of the equipment at the North Boston Fire Company. Councilman Wiktor thanked the members of the North Boston Fire Company and noted that the Patchin Fire Company will be contacted for a similar tour.

Councilman Wiktor announced that he and Councilman Mead will hold Saturday Councilman Hours at the Town Hall, on Saturday January 9, 1999 from 10:00 a.m. to noon.

REGULAR BOARD MEETING  
JANUARY 6, 1999

TOWN HALL  
7:30 P.M.

COUNCILMAN REPORT (CONT>)

Councilman Simmeth commented that his first year as Councilman has been quite the learning experience and he thanked the Town Board members, Mr. Perley, Mr. Ruchalski, Mr. Kramer, Mr. Lisowski, Lucille Genzel, Karen Ellis and David Shenk for all the support they have given him and he hoped he can have it again in 1999.

Councilman Tills reported that the Christmas Lighting Committee attempted to remove the decorations on Boston State Road yesterday but was unable to do so because of the weather. They will try again on Friday, January 8, 1999.

Supervisor Rood commented that the Christmas Lighting Committee has already raised \$1,800 for the new Nativity Set.

CODE ENFORCEMENT OFFICER REPORT

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

DOG CONTROL OFFICER MONTHLY REPORT

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

TOWN ENGINEER REPORT

- A) Town Engineer's 1998 Annual Report was received and is on file in the Clerk's Office.

PLANNING BOARD REPORT

Received and filed notification from the Planning Board of the Officers for 1999 as follows:

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

- A) Planning Board 1998 Annual Report was received and is on file in the Clerk's Office.

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

*David J. Shenk*  
\_\_\_\_\_  
DAVID J. SHERK, TOWN CLERK

REGULAR BOARD MEETING  
JANUARY 20, 1999

TOWN HALL  
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Supervisor Lisa M. Rood, and Deputy Town Attorney Joseph G. Terrizzi.

Absent: Councilman Dennis J. Mead, Highway Superintendent  
Eugene E. Ruchalski, Town Attorney Michael F. Perley.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adopt minutes of the January 6, 1999 monthly meeting.

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #1A, dated January 20, 1999 in the amount of \$40,934.70 be paid.

four (4) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #1A, dated January 20, 1999, amount of \$65,607.48 be paid.

four (4) Ayes Carried

Received and filed Erie County Sheriff's Report for December 1998.

Received and filed an Erie County Legislature Resolution regarding Cooperation in Sharing County Snow Removal Equipment.

Received and filed a letter from Congressman Jack Quinn relative to a Declaration of National Disaster for area.

Supervisor Rood commented that because President Clinton declared this area to be a national emergency due to the recent winter storms, the Town of Boston will get some reimbursement from the federal and state governments for the \$94,000 costs incurred for snow removal between January 1st and January 15th.

Received and filed a report from Adelphia Cable on the completion of the Rebuild/Upgrade Program.

**RESOLUTION 1998-02 ISSUANCE OF SERIAL BONDS TO FINANCE THE PURCHASE OF A 1999 INTERNATIONAL HIGHWAY TRUCK**

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to approve the Agreement for the Expenditure of Highway Moneys in the amount of \$92,000 for the General Repairs of 36.6 miles of Town highways and \$14,500 for the permanent improvements on Glenn Terrace and Kevin Drive (.46 miles) and \$24,000 (CHIPS) for the repairs of Ripple, Creekside and Northside Drives and Elmtree Place, (2.01) miles) and \$12,000 (CHIPS) for the repairs on Southside and Parkside Drives, (.42 miles).

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to grant the Boston Youth Softball Association use of the Lion's Shelter and softball diamonds on July 31, 1999 for the annual softball picnic and All Star games from 3:00 pm to dusk.

four (4) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to grant the Boston Youth Baseball Association use of the Lion's Shelter and softball diamonds on July 31, 1999 for the annual baseball picnic and All Star games from 8:00 am to 3:00 pm.

four (4) Ayes Carried

*See  
Correction  
page 22*

**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

NUMBER 1999-02

**RESOLUTION FOR ISSUANCE OF SERIAL BONDS TO  
FINANCE THE PURCHASE OF A  
1999 INTERNATIONAL HIGHWAY TRUCK**

**BOND RESOLUTION, DATED JANUARY 20, 1999,  
AUTHORIZING THE ISSUANCE OF \$75,886.00 SERIAL BOND FOR THE TOWN OF BOSTON,  
NEW YORK**

At a Regular Meeting of the Town Board of the Town of Boston, Erie County,  
New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the  
20th day of January, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	<b>Lisa M. Rood</b>	<b>Supervisor</b>
	<b>Damian P. Wiktor</b>	<b>Councilman</b>
	<b>Stephen K. Tills</b>	<b>Councilman</b>
	<b>Karl J. Simmeth, Jr.</b>	<b>Councilman</b>
	<b>Dennis J. Mead</b> <i>DJS</i>	<b>Councilman</b> <i>DJS</i>

Absent:	<b>Dennis J. Mead</b>	<b>Councilman</b>
---------	-----------------------	-------------------

Supervisor Rood presented the following Resolution and moved its adoption:

**BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, ERIE  
COUNTY, NEW YORK AS FOLLOWS:**

**WHEREAS,** the Town Board of the Town of Boston, New York, by a Resolution duly  
adopted on the 7th day of October, 1998 and pursuant to General Municipal Law Section 103,  
duly accepted an offer and authorized the purchase of one (1) 1999 International truck and  
related attachments at a total cost of \$84,386.00 and it is provided that the sum of \$8,500.00 was  
to be deducted from the purchase price on account of the trade-in of a certain highway truck, and  
the balance of \$75,886.00 of such cost was to be paid from the proceeds of obligations to be  
issued, pursuant to the Local Finance Law.

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION 1.** That the specific object and purpose for which the obligations are to be issued, pursuant to this Resolution is to finance the cost of said highway truck.

**SECTION 2.** That the maximum estimated cost of such specific object or purpose is \$84,386.00 and the plan for financing therefor is as follows:

- a) By the issuance of separate Serial Bonds in the total amount of \$75,886.00, consisting of five (5) separate annual principal payments each in the amount of \$15,177.20, hereby authorized to be issued pursuant to the Local Finance Law and this Resolution;
- b) By allocation of \$8,5000.00 from the proceeds derived from the trade-in of a certain highway truck

**SECTION 3.** The following determinations are hereby made:

- a) The period of probable usefulness of such vehicle is five (5) years;
- b) The subdivision of Paragraph "a" of Local Finance Law Section 11.00 applicable in the circumstances is Subdivision "29";
- c) The proposed maturity of the obligations authorized by this Resolution will not be in excess of five (5) years.

**SECTION 4.** That the Town of Boston, Erie County, New York, issue its serial bonds in the amount of \$75,886.00 to finance such cost in accordance with the financial plan set forth above. Such bonds shall be dated approximately as of the date of adoption of this Resolution and the power to fix and determine the exact date of such bonds is hereby delegated to the Supervisor.

**SECTION 5.** That such bonds shall be numbered consecutively and shall be in the total amount of \$75,886.00 and shall mature in annual installments in the years and in the total amounts as follows:

\$15,177.20	January 20, 2000
\$15,177.20	January 22, 2001
\$15,177.20	January 21, 2002
\$15,177.20	January 20, 2003
\$15,177.20	January 20, 2004

in such individual amounts to be determined; and said bonds shall be issued in bearer form without coupons and shall contain a power to convert to registered form in accordance with the applicable provisions of the Local Finance Law. The bonds shall bear interest at a rate not exceeding five percent (5%) per annum. Payments of such interest shall be evidenced by notation thereof on said bonds at the time of payment. The bonds shall be substantially in the form of the proposed bond, which is attached hereto and made a part of this Resolution.

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

**SECTION 7.** That the faith and credit of the Town of Boston, Erie County, New York are hereby irrevocably pledged for the payment of principal and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in such Town, a tax sufficient to pay the principal of and interest on such bonds, as the same shall become due and payable.

**SECTION 8.** Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00 and 56.00 to 60.00,

inclusive, of said Law, the power to authorize Bond Anticipation Notes in anticipation of the issuance of the Serial Bonds authorized by this resolution and the renewal of said notes and the power to prescribe the terms form and contents of said Serial Bonds, and said Bond Anticipation Notes, and the power to sell and deliver said Serial Bonds and any Bond Anticipation Notes, and the power to sell and deliver said Serial Bonds issued in anticipation of the issuance of such bonds is hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any Serial Bonds issued pursuant to this resolution and any Bond Anticipation Notes issued in anticipation of the issuance of said Serial Bonds, and the Town Clerk is hereby authorized to affix the corporate seal of said Town to any of said Serial Bonds or any Bond Anticipation Notes and to attest such seal. Each interest coupon representing interest payable on such Serial Bonds shall be authenticated by the facsimile signature of the Town Supervisor

**SECTION 9.** That the Serial Bonds herein authorized shall be redeemable prior to maturity by the Town pursuant to Local Finance Law Section 53.00.

**SECTION 10.** This resolution shall be published in full by the Town Clerk of said Town, together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in Hamburg Sun and Springville Journal published in the Towns of Hamburg and Springville, and having a general circulation in said Town. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the said of said serial bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money or the provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or if said obligations are authorized in violation of the Constitution of New York.

**SECTION 11.** This Resolution shall take effect immediately.

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

Supervisor Rood	Voting:	Aye
Councilman Wiktor	Voting:	Aye
Councilman Tills	Voting:	Aye
Councilman Simmeth	Voting:	Aye
Councilman Mead	Voting:	Aye <del>ABSENT</del> DTS

AYES: ~~4~~  
DTS

NOES: 0

ABSENT: ~~0~~  
DTS

  
David J. Shenk - Town Clerk

**CERTIFICATE OF DETERMINATION  
BY THE TOWN SUPERVISOR  
RELATIVE TO THE AUTHORIZATION, SALE, ISSUANCE,  
FORM AND CONTENTS  
OF A  
\$75,886.00 BOND ANTICIPATION NOTE  
FOR  
THE PURCHASE OF A HIGHWAY TRUCK AND RELATED  
EQUIPMENT TOWN OF BOSTON, NEW YORK.**

I, LISA M. ROOD, Town Supervisor of the Town of Boston, New York herein called the "Town", HEREBY CERTIFY the pursuant to the powers and duties delegated to me, the chief fiscal officer of the Town by the Town Board of the Town pursuant to the resolution duly adopted and as referred to in paragraph "1" hereof, and subject to the limitations prescribed in said resolution, I have made the following determinations:

1. A bond anticipation note (the "Note") of the Town in the principal amount of \$75,886.00 shall be issued in anticipation of the sale of serial bonds authorized pursuant to the resolution entitled:

**RESOLUTION FOR ISSUANCE OF SERIAL BONDS  
TO FINANCE THE PURCHASE OF A 1999  
INTERNATIONAL HIGHWAYTRUCK**

**BOND RESOLUTION, DATED SEPTEMBER 3, 1997,  
AUTHORIZING THE ISSUANCE OF \$75,886.00 SERIAL BOND  
FOR THE TOWN OF BOSTON, NEW YORK**

2. The terms, from the details of said Note shall be as follows:

Amount and Title:	\$75,886.00 Bond Anticipation Note
Dated:	January 21, 1999
Matures:	January 22, 2000
Number and Denomination:	No. 1 - \$75,886.00

Interest rate per annum: 3.29%

Form of Note: Substantially in accordance with form prescribed by Schedule B, of the Local Finance Law of the State of New York.

3. The serial bonds authorized pursuant to the resolution referred to in paragraph "1" hereof are for an improvement which is not assessable.

4. Said Note is not issued in renewal of any note or notes.

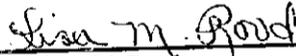
5. The amount of bond anticipation notes originally issued in anticipation of the issuance of serial bonds authorized pursuant to the resolution referred to in paragraph "1" hereof, including the Note, is \$75,886.00 and the amount of bond anticipation notes which will be outstanding after the issuance of the Note, including said Note will be \$75,886.00.

To Evans National Bank, Boston, New York, for the purchase price of \$75,886.00 plus accrued interest, if any, from the date of said Note to the date of delivery thereof, and I FURTHER DETERMINE that said Note shall be payable as to both principal and interest at Evans National Bank, Boston, New York, and shall bear interest at the rate of 3.29% per annum, payable at maturity.

6. Said Note shall be executed in the name of the Town by its Town Supervisor and the corporate seal of the Town shall be affixed thereto and attested by its Town Clerk.

I HEREBY FURTHER CERTIFY that the powers and duties delegated to me to issue and sell the Note herein above referred to are in full force and effect and have not been modified, amended or revoked.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of January, 1999



Lisa M. Rood  
Town of Boston Supervisor

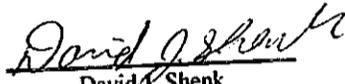
### Clerk's Certificate

I, DAVID J. SHENK, Town Clerk of the Town of Boston, in the County of Erie, New York, **HEREBY CERTIFY** that I have compared the foregoing copy of the Certificate of Determination executed by the Town Supervisor and the same is true and complete copy of the Certificate filed with said Town in my office as Town Clerk on the ~~2<sup>nd</sup>~~ <sup>21<sup>st</sup> 025</sup> day of January, 1999; and

I **FURTHER CERTIFY** that no resolution electing to reassume any of the powers or duties mentioned in said Certificate and delegated to the Town Supervisor by the resolution cited in said Certificate has been adopted by said Town Board.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 21st day of January, 1999.

(SEAL)

  
David J. Shenk  
Town Clerk

**CERTIFICATES AS TO SIGNATURE, LITIGATION, AND DELIVERY AND PAYMENT**

**WE**, the undersigned officers of the Town of Boston, in the County of Erie, a municipal corporation of the State of New York and herein referred to as the Town, **HEREBY CERTIFY** that on or before January 21, 1999, we officially signed and properly executed by manual signatures a \$75,886.00 Bond Anticipation Note (the "Note") of the Town payable to bearer and otherwise described in Schedule A annexed hereto and by this reference made a part hereof, and that at the time of such signing and execution and on the date hereof we were and are the duly chosen, qualified and acting officers of the Town authorized to execute said Note and holding the respective offices indicated by the titles set opposite our signatures hereto for terms expiring on the respective dates set opposite such titles.

**WE FURTHER CERTIFY** that no litigation of any nature is now pending or threatened, restraining or enjoining the issuance or delivery of said Note or the levy or collection of any taxes to pay the interest on or principal of said Note, or in any manner questioning the authority or proceedings for the issuance of said Note or for the levy or collection of said taxes, or relating to said Note or affecting the validity thereof or the levy or collection of said taxes, that neither the corporate existence or boundaries of the Town nor the title of any of the present officers thereof to their respective offices is being contested, and that no authority or proceedings for the issuance of said Note has or have been repealed, revoked or rescinded.

**WE FURTHER CERTIFY**, that the seal which is impressed upon this certificate has been affixed, impressed, imprinted or otherwise reproduced upon said Note and is the legally adopted proper and only official corporate seal of the Town.

**AND, I LISA M. ROOD, TOWN SUPERVISOR, HEREBY FURTHER CERTIFY** that on January 21, 1999 I delivered said Note to Evans National Bank, Boston, New York, the purchaser thereof, and at the time of such delivery of said Note, I received from said purchaser the amount herein below stated, in full payment for said Note, computed as follows:

Price.....	\$75,886.00
Interest on said Note accrued to the date of such delivery.....	
Amount received.....	\$75,886.00

IN WITNESS WHEREOF, we have hereunto set our hands and said corporate seal has hereunto been affixed this 21<sup>st</sup> day of January, 1999.

Signature	Term of Office Expires	Title
<u>Lisa M. Rood</u> Lisa M. Rood	[12/31/01]	Town Supervisor
<u>David J. Shenk</u> David J. Shenk	[12/31/99]	Town Clerk

(SEAL)

I HEREBY CERTIFY that the signatures of the officers of the above-named Town which appear above, are true and genuine and that I know said officers and know them to hold the respective offices set opposite their signatures.

of

\_\_\_\_\_  
(Signature)                      (Title)                      (Name of Bank)

## ARBITRAGE AND USE OF PROCEEDS CERTIFICATE

I, **LISA M. ROOD**, Town Supervisor of the Town of Boston in the County of Erie, New York, **HEREBY CERTIFY** and reasonably expect with respect to the issuance of the \$75,886.00 Serial Bond, for the purpose of purchasing a 1999 International Truck, of the Issuer, dated and issued on January 21, 1999, as follows:

Unless the context clearly requires otherwise, all capitalized terms not otherwise defined herein shall have the meanings set forth below in the Resolutions, the Code or the Regulations (each as defined below):

### *ARTICLE I*

#### General

**1.1 Authority of Signatory.** I am an officer of the Issuer charged with the responsibility for the execution, delivery, and issuance of the Note and am acting for and on behalf of the Issuer in signing this certificate.

**1.2 Purpose of Certificate.** This certificate is made for the purpose of establishing evidence of the expectations of the Issuer as of the date hereof as to future events regarding the amount and use of the proceeds of the Note. It is intended and may be relied upon for purposes of Section 103 and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and as a certification described in Section 1.148-2(b)(2) of the Treasury Regulations (the "Regulations"). This certificate is executed and delivered as part of the record of proceedings in connection with the issuance of the Note. The provisions of this certificate constitute a contractual obligation of the Issuer in consideration for the purchase of and payment for the Note by the purchaser thereof.

**1.3 Reasonable Expectation.** This certificate sets forth the facts, estimates and

circumstances now is existence which from the basis for the Issuer's expectation that the proceeds of the Note will not be used in a manner that would cause the Note to be an arbitrage bond under Section 148 of the Code or a private activity bond under Sections 103 and 141 of the Code. To the best of my knowledge and belief, such expectation is reasonable and there are no other facts, estimates or circumstances that would materially change that expectation.

**1.4 No Composite Issue.** No other governmental obligations have been sold fewer than 15 days prior to, or will be sold fewer than 15 days after, the sale date of the Note, pursuant to a common plan of financing which is expected to be paid from substantially the same source of funds as the Note.

**1.5 No Federal Guarantee.** The Issuer represents and covenants that, except for the gross proceeds of the Note which are: (a) invested during the temporary period referred to in Article III, (b) held in any refunding escrow, or (c) invested in obligations of the United States Treasury or in obligations issued pursuant to Section 21B(d)(3) of the Federal Home Loan Bank Act, as amended by Section 511(a) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, or any successor provisions to Section 21B(d)(3) of the Federal Home Loan Bank Act, as amended:

(i) No portion of the payment of principal or interest with respect to the Note is or will be guaranteed directly or indirectly by the United States or any agency or instrumentality thereof (herein "federally guaranteed"); and

(ii) No portion of the gross proceeds of the Note in excess of five percent of such gross proceeds is or will be (a) used in making loans the payment of principal or interest with respect to which is to be federally guaranteed, or (b) invested directly or indirectly in federally insured deposits or accounts.

**1.6 Tax Representation.** The Issuer expects to be able to and will comply with all the

procedures and provisions set forth herein, and will do and perform all acts and things necessary and desirable within its reasonable control in order to assure that interest paid on the Note shall be excluded from gross income of the owner thereof for the purpose of federal income taxation.

**1.7 Additional Information.** The Issuer will provide such other information as may be required to assure the exclusion from gross income of interest on the Note for federal income taxation purposes.

**1.8 Non-Purpose Investments.** Not more than 50% of the proceeds of the Note are being invested in investments not acquired to carry out the governmental purposes of the issue at a guaranteed yield and have a term of 4 years or more.

**1.9 IRS Information Reporting.** The Issuer will make a timely filing of the appropriate IRS Form 8038-G or such other form as may be required.

## **ARTICLE II**

### **Use of Project and Proceeds**

#### **2.1 Authorization.**

(a) The note is authorized to be issued pursuant to applicable provisions of the laws of the state of New York and the bond resolution duly adopted by the Town Board of the Town of Boston on January 20, 1999 (the "Resolution").

(b) For the purposes of this Article II the term "proceeds" means the net amount (after payment of all costs and expenses associate with issuing the Note) received by the Issuer from the sale of the Note, excluding accrued interest.

**2.2 Purpose of Issue.** The Note is being issued to finance the purchase of a 1999

International Truck for the use of the Highway Department as further described in the Resolution (the "Project").

**2.3 Use of Proceeds.** The proceeds of sale of the Note will be used to provide original funds for the purchase.

**2.4 Ownership/Lease/Sale.** The truck purchased will be owned by the Issuer or another state or local governmental unit and will not be leased to any person who is not a state or local governmental unit. It will not (except to the extent that any of the items financed involves grants) be sold or otherwise disposed of, in whole or in part, except for incidental sales of surplus items the proceeds of which will not constitute net operating profits or net capital profits to the Issuer, prior to the maturity date of the Note.

**2.5 Private Loans.** Not more than the lesser of 5 percent of \$5,000,000 of the proceeds of the Note will be used directly or indirectly to make loans to persons other than a governmental unit.

**2.6 Private Use.** The aggregate amount of proceeds of the Note used directly or indirectly in a trade or business carried on by a person other than a state or local governmental unit ("Private Use"), will not exceed 10% of such proceeds in the event that more than 10% of the principal or 10% of the interest due on the Note directly or indirectly secured by any interest in property used or to be used for a Private Use or in payments in respect of property used or to be used for a Private Use or to be derived from payments, whether or not to the Issuer, in respect of property or borrowed money used or to be used for a Private Use.

**2.7 Unrelated/Related Disproportionate Use.** No more than 5% of the proceeds of the Note will be used directly or indirectly in the trade or business of a person other than a

governmental unit that is unrelated or related and disproportionate to the governmental use of the property being financed, including any private loan financing described in Section 2.5 which meets this test. For purposes of this Arbitrage and Use of Proceeds Certificate, proceeds of the Note are allocable to an unrelated Private Use if such use is neither directly nor operationally related to a governmental use and proceeds of the Note are allocable to a disproportionate related Private Use to the extent that the proceeds of the Note which are to be used to finance property used by a non-governmental person in a trade or business which is related to the governmental use of the property referred to in Section 2.6 above, exceeds the proceeds of the Note which are to be used for the governmental use to which said Private Use relates.

**2.8 Other Private Use Defined.** For purposes of Section 2.6 and 2.7, a Private Use consists of any contract or other arrangement including, without limitation, leases, management contracts, guarantee contracts, take or pay contracts, or put or pay contracts which provides for a use of the Project by a person or persons who are not state or local governments on a basis different than the general public. Any management, or operations contract or agreement which provides for non-governmental use will provide for reasonable compensation which is in no part based on net profits and will satisfy the provisions of (a), (b) or (c) below:

(a) for contracts which provide compensation for each annual period based on a periodic fixed fee, a capitation fee or combination thereof, (i) the contract has a term (including renewal option) not exceeding five years; (ii) the issuer may terminate the contract, without penalty, at the end of any three-year period, and (iii) at least 50% of the compensation paid in on a periodic, fixed fee basis;

(b) for contracts entered into or materially modified (other than pursuant to a renewal option) after March 15, 1993, which provide compensation based on a per unit fee or a combination per unit and periodic fixed fee, (i) the contract has a term (including renewal options) not exceeding three years, (ii) the issuer may terminate such contract (without penalty) at the end of the second year of the term, and (iii) the amount of the per unit fee is specified in the contract or otherwise limited by the qualified user or a third party;

(c) for contracts entered into or materially modified (other than pursuant to a renewal option) after March 15, 1993, which provide compensation based on a percentage of fees charged, (i) the contract has a term (including renewal options) not exceeding two years, (ii) the issuer may terminate the contract (without penalty) at the end of the first year, and (iii) the service provider primarily provides services to third parties or the contract involves a facility during an initial start-up period;

(d) For purposes of this Section 2.8.:

(i) "capitation fee" means a fixed periodic amount paid under a management contract or agreement for each person for whom the service provider assumes the responsibility to provide all needed services for a specified period, provided the quantity and type of services actually provided vary substantially;

(ii) "periodic fixed fee" means a stated dollar amount for services rendered during a specified period of time (i.e., \$XX per month) which amount may automatically increase according to a specified, objective, external standard; and

(iii) "per unit fee" means a stated dollar amount for each unit of service provided (i.e., \$XX per medical procedure).

**2.9 Pooled Loan Financings.** To the extent the amount of proceeds of the Note to be used to make loans to any borrowers (including loans referred to in Section 2.5 above and loans to state or local governmental units) exceeds \$5,000,000, at least 95% of the net proceeds of the issue (as defined in Section 150 of the Code but without including proceeds used to finance costs of issuance or capitalized interest) that are to be used to make loans, will have been used within 3 years of the date hereof to make such loans. The payment of legal and underwriting costs is not contingent and at least 95% of the reasonably expected legal and underwriting costs associated with the issuance will be paid within 180 days of the date hereof.

**2.10. Output Facilities.** No more than 5% of the proceeds of the Note is to be used with respect to any output facility (other than a facility for the furnishing of water). No more than the

lesser of \$5,000,000 or 5% of the proceeds of the Note is to be used (directly or indirectly) for the acquisition of a non-governmental output facility.

### **ARTICLE III**

#### **Arbitrage/Rebate Exemption**

##### **3.1 Temporary Period.**

(a) The issuer has entered into or will enter into within six months from the date of this certificate, binding commitment(s) for the acquisition, construction or accomplishment of the Project, and the amount of such commitment(s) with respect to such Project will or do exceed the amount to 5% of \$75,886.00 being the aggregate amount of obligations currently issued for such Project.

(b) Such Project has been completed, or, if such Project has not been completed, work on the acquisition, construction or accomplishment of such Project will proceed or is proceeding with due diligence to completion.

(c) It is reasonably expected that at least 85 percent of the net sale proceeds of the Note will be expended within three years from the date of this Certificate. No more than 50 percent of the proceeds of the bonds will be invested in non-purpose investments with a term of four years or more.

3.2 **Rebate.** The Note is not subject to the rebate requirement imposed by Section 148 of the Code because:

(i) the Issuer is a governmental unit with general taxing powers;

(ii) the Note does not constitute a "private activity bond" as that term is defined in Section 141 of the Code.

(iii) ninety-five percent or more of the net proceeds of the sale of the Note is to be used for local governmental activities of the Issuer; and

(iv) the Issuer (including all agencies, instrumentalities and political subdivisions of the Issuer) reasonably expects that the aggregate face amount of all tax-exempt bonds issued by the Issuer during the current calendar year will not exceed \$5,000,000. For purposes of such determination, no tax-exempt obligation shall be taken into account if it is a current refunding obligation issued in the calendar year in which the Note is being issued which does not exceed the outstanding principal amount of the obligation to be refunded.

**3.3 No Excess Proceeds.** The total proceeds of sale of all bond anticipation notes issued to date for the Project do not exceed the total cost of the Project.

**3.4 Source of Repayment Funds.** The Note will be paid from taxes and the proceeds of other obligations of the Issuer issued to fund the Note.

**3.4 Debt Service Fund.** The taxes used to pay principal and interest on the Note, whether or not deposited in a debt service fund, will be expended within 13 months of the date of deposit in such fund, or the date of their accumulation, in the payment of debt service on the Note. Any amounts received from the investment of such deposit or accumulation will be expended within one year of receipt. The debt service fund, if any, will be used to achieve a proper matching of revenues and debt service and will be depleted at least annually, and except for a reasonable carryover amount, will not exceed the greater of the earnings on such fund for the immediately preceding year or one-twelfth of the debt service on the Note for the immediately preceding year.

**3.6 Sinking Funds.** Except for the debt service fund described herein, the Issuer has not created or established, and does not expect to create or establish, any sinking fund or other similar fund which the Issuer reasonably expects to use to pay principal or interest on the Note.

#### **ARTICLE IV**

**Bank Qualification**

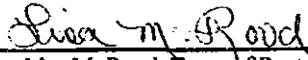
**4.1 Designation** The Note is hereby designated as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265 of the Code. In making such designation it has been determined that:

(i) the Issuer does not reasonably anticipate the amount of "qualified tax-exempt obligations" to be issued by the Issuer during the current calendar year will exceed \$10,000,000; and

(ii) the amount of "qualified tax-exempt obligation" issued by the Issuer during the current calendar year does not as of this date, and including this issue, exceed \$10,000,000.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of the Town of Boston, this 21st day of January, 1999.

(SEAL)

  
\_\_\_\_\_  
Lisa M. Rood, Town of Boston  
Town Supervisor

No. 1

\$75,886.00

**UNITED STATES OF AMERICA  
STATE OF NEW YORK  
COUNTY OF ERIE  
TOWN OF BOSTON**

**BOND ANTICIPATION NOTE FOR THE TOWN OF BOSTON**

The Town of Boston, in the County of Erie, a municipal corporation of the State of New York, hereafter the Town, hereby acknowledges itself indebted and for value received promises to pay to the bearer of this Note, or if it be registered, to the registered holder, the sum of Seventy-Five Thousand Eight Hundred Eighty-Six and no more Dollars on the 20th day of January, 2000, together with interest thereon from the date hereof at the rate of (3.29%) per annum, payable to maturity. Both principal of and interest on this Note will be paid in lawful money of the United States of America, at Evans National Bank, Boston, New York.

At the request of the holder, the Town Clerk shall convert this Note into a registered Note by registering it in the name of the holder in the books of the Town kept in the office of such Town Clerk and endorsing a certificate of such registration hereon, after which both principal of and interest on this Note shall be payable only to the registered holder, his legal representatives, successors or transferees. This Note shall then be transferable only upon presentation to such Town Clerk with a written transfer of title and such Town Clerk shall thereupon register this Note in the name of the transferee in his books and shall endorse a certificate of such registration hereon. Such transfer shall be dated, and signed by the registered holder, or his legal representatives, and it shall be duly acknowledged or proved, or in the alternative the signature thereto shall be certified as to its genuineness by an officer of a bank or trust company located and authorized to do business in this State.

This Note is the only Note of an authorized issue, the principal amount of which is \$75,886.00.

This Note is issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, and the bond resolution adopted by the Town Board on January 20, 1999, authorizing the issuance of serial bonds for the purchase of a 1999 International highway truck and related equipment by the Town of Boston and the Certificate of Determination executed by the Town Supervisor on January 21, 1999. This Note has been designated by the Town as a qualified tax-exempt obligation pursuant to the provisions of Section 265 of the Internal Revenue Code of 1986, as amended.

It is hereby certified and recited that all condition, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this Note, exist, have happened and have been performed, and that this Note, together with all other indebtedness of such Town of Boston is within every debt and other limit prescribed by the Constitution and laws of such State.

IN WITNESS WHEREOF, the Town has caused this Note to be signed by its Supervisor and its corporate seal to be hereunto affixed and attested by its Town Clerk and this Note to be dated as of the 21st day of January, 1999.

(Seal)

TOWN OF BOSTON

By Lisa M. Rood  
Lisa M. Rood, Town Supervisor

Attest:

David J Shenk

David J Shenk  
Town Clerk  
Town of Boston

**MICHAEL F. PERLEY**  
**ATTORNEY AT LAW**  
1090 CATHEDRAL PARK TOWER  
37 FRANKLIN STREET  
BUFFALO, NEW YORK 14202  
(716) 853-4600  
FAX: (716) 853-4610

January 21, 1999

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

Dear Sirs:

I have examined a record of proceedings relating to the issuance of a \$75,886.00 Bond Anticipation Note for the purchase of a 1999 International highway truck and related equipment (the "Project") by the Town of Boston, County of Erie, a municipal corporation of the State of New York. Said Note is dated January 21, 1999, matures January 20, 2000, is numbered No. 1, bears interest at the rate of 3.29% per annum, payable at maturity, is of the denomination of \$75,886.00, is payable to bearer without coupons and registerable as to both principal and interest, is issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, the bond resolution adopted by the Town Board of the Town of Boston, authorizing the issuance of serial bonds for the construction of said Project, and the Certificate of Determination executed by the Town Supervisor on January 21, 1999.

In my opinion, the Bond is a valid and legally binding general obligation of the Town of Boston for which the Town has validly pledged its faith and credit and unless paid from other sources, all the taxable real property within the Town is subject to the levy of ad valorem real estate taxes to pay the Note and interest thereon without limitation of rate or amount. The enforceability of rights or remedies with respect to such Note may be limited by bankruptcy, insolvency, or other laws affecting creditors' rights or remedies heretofore or hereafter enacted.

The Internal Revenue Code of 1986, as amended (the "Code"), establishes certain requirements that must be met subsequent to the issuance and delivery of the Note in order that interest on the Note be and remain excludable from gross income under Section 103 of the Code. The Town Supervisor, in executing the Arbitrage and Use of Proceeds Certificate, has certified to the effect that the Town will comply with the provisions and procedures set forth therein and that it will do and perform all acts and things necessary or desirable to assure that interest paid on the Note is excludable from gross income under Section 103 of the Code. I have examined such

Arbitrage and the Use of Proceeds Certificate of the Town delivered concurrently with the delivery of the Note, and, in my opinion, such certificate contains provisions and procedures under which such requirements can be met.

In my opinion, the interest on said Note is excludable under existing statutes and court decisions from the gross income of the recipients thereof for federal income tax purposes pursuant to Section 103 of the Code, and under existing statutes, interest on the Note will not be treated as a preference item in calculating the alternative minimum tax that may be imposed under the Code with respect to individuals and corporations. In rendering the foregoing opinion, I have assumed that Town's compliance with the arbitrage and Use of Proceeds Certificate.

Further, in my opinion, under existing statutes, interest on the Note is exempt from New York State and New York City personal income taxes.

Other than such record of proceedings, I have not been requested to examine or review and have not examined or reviewed the accuracy or sufficiency of any additional proceedings, reports, correspondence, financial statements or other documents, containing financial or other information relative to the Town, which have been or may hereafter be furnished or disclosed to purchasers of said Note, and I express no opinion with respect to any such financial or other information or the accuracy or sufficiency thereof.

The form of said note is prescribed by Schedule B, 2 of the Local Finance Law of the State of New York.

Very truly yours,

MICHAEL F. PERLEY

MFP/noe

REGULAR BOARD MEETING  
JANUARY 20, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant Rec. Director O'Brien permission to reserve the Lions Shelter (and community room in case of rain) on Tuesdays from 6:00 to 9:00 p.m., on June 29th, July 6th, 13th, 20th, 27th, August 3rd, 10th, 17th and 24th for the 1999 "Concert in the Park" series.

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to authorize the attendance of Supervisor Rood, Town Clerk Sherk, Town Justice Bender and Councilman Tills at the NY City Association of Towns Annual Conference on February 13-17, 1999 and approve expense reimbursement for registration, plane fare, hotel (single rate), and \$150 food allowance.

four (4) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint Councilman Tills as the Delegate and Supervisor Rood as the Alternate Delegate for the Association of Towns Annual Conference.

four (4) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to accept the 1998 Annual Code Enforcement Officer Report.

four (4) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Tills to approve the Annual Audit conducted by the Town Board of all Town Officials controlling funds and to accept the Town Justices, Town Clerk, Tax Collector, Registrar of Vital Statistics and Dog Control Officer Annual Reports for 1998.

four (4) Ayes Carried

#### SUPERVISOR REPORT

Supervisor Rood commended the Boston Highway Department on an excellent job of clearing the roads during the recent snow storms.

Supervisor Rood reminded the public that it is illegal to push snow into the roadways or plow driveways across roadways leaving the snow across the street.

Supervisor Rood reported that the new back door for the Boston Town Hall has been installed.

Supervisor Rood announced that the Hillfest Committee is conducting an Easter candy sale and selling candy bars in the Town Clerk's office and various locations throughout town.

Supervisor Rood announced that the Hillfest Committee is having a spaghetti dinner on February 28, 1999 from 3:00 to 7:00 p.m. in the Town Hall Community Room.

Supervisor Rood noted the following changes in the Liaison and Committee appointments made at the 1/6/99 meeting:

Councilman Tills:	Delete as Chairman Creative Playground Comm. Add as Member Creative Playground Committee
Councilman Mead:	Add as Chairman Creative Playground Committee Add as Liaison Creative Playground Committee
Hillfest Committee:	Add Jennifer Warnes - Evans National Bank Add Doris Pilato Delete Jane Gonzalez - Evans National Bank

REGULAR BOARD MEETING  
JANUARY 20, 1999

TOWN HALL  
7:30 P.M.

COUNCILMAN REPORT

Councilman Wiktor thanked all the town residents and town employees who bestowed sentiments of sympathy to him and his family for the death of his father last week.

Councilman Wiktor thanked the Boston Highway Department for their efficient work during the recent winter storms.

Councilman Wiktor reminded residents who live near fire hydrants to remove the snow around them so they may be visible in the event of an emergency.

Councilman Wiktor thanked a neighbor who took a picture of him snow blowing his street and who called him the "Junior Highway Department at work."

Councilman Wiktor announced that the Boston Ski Program has begun and there are approximately seventy-five (75) to eighty-five (85) young adults enrolled in the Saturday Kissing Bridge Ski Program.

Councilman Wiktor noted that on Saturday, January 9, 1999, he and Councilman Mead held Councilman Hours at the Boston Town Hall. A few residents had concerns about snow removal and the road work. Questions regarding the Star Program were referred to the Assessor.

Councilman Simmeth thanked the highway department for the fine job they did during the winter storm.

Councilman Simmeth reported that a resident, Mr. Ryan, had a concern over the poor visibility caused by snow build-up at the intersection of Abbott and Herman Hill Roads. Councilman Simmeth contacted the Erie County Highway Barn and was informed that they were aware of the situation and will clear it as soon as possible.

Councilman Tills reported that regarding the upcoming Hillfest spaghetti dinner on Sunday, February 28, 1999, the Town of Eden has a spaghetti dinner scheduled for Saturday, February 27, 1999. Councilman Tills notified the chairman of the Hillfest Committee of this possible conflict and discussed the possibility of selling tickets in advance.

TOWN ENGINEER REPORT

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

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to adjourn the meeting at 8:00 p.m.

*David J. Sherk*  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
FEBRUARY 3, 1999

TOWN HALL  
7:30 P.M.

19

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

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adopt the minutes of the January 20, 1999 monthly meeting.

five (5) Ayes

Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #2, dated February 3, 1999 in the amount of \$59,147.82 be paid.

five (5) Ayes

Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the Highway Bills on Abstract #2, dated February 3, 1999, amount of \$63,723.47 be paid.

five (5) Ayes

Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk's Report for January 1999.

five (5) Ayes

Carried

Town Clerk Shenk noted that the Vital Statistics Report is now included in the Town Clerk's Report.

Received and filed a response from Senator Dale Volker to the Town of Boston request for a legislative initiative in the amount of \$17,500 to purchase playground equipment and a sign for the South Boston Park.

Received and filed a response from Senator Dale Volker to the Town of Boston request for a legislative initiative in the amount of \$20,000 to purchase a new dog control van.

Received and filed a response from Assemblyman Richard Smith to the Town of Boston request in the amount of \$17,500 from the NYS Community Enhancement Facilities Assistance Program to purchase playground equipment and a sign for the South Boston Park.

Received and filed a response from Assemblyman Richard Smith to the Town of Boston request for Local Initiative funding to purchase a new dog control van.

Received and filed Erie County Sheriff's Monthly Report for January 1999.

Received and filed notification from the Arts Council in Buffalo and Erie County that the Town of Boston has been chosen to receive a 1998/99 Decentralization Grant for \$2,100 which will be used for the Summer Concerts in the Park Series.

#### REQUESTS FROM THE FLOOR

Christopher Bifaro, 7898 Boston State Road: I was wondering if the Town ever heard from the Erie County Department of Transportation regarding the resurfacing of Boston State Road that was initially supposed to take place in 1997? I inquired about this about a year ago. I was wondering if they had any plans to still do that.

Supervisor Rood: I believe they are supposed to do it in 1999. I believe I told you that.

REGULAR BOARD MEETING  
FEBRUARY 3, 1999

TOWN HALL  
7:30 P.M.

REQUESTS FROM THE FLOOR (Cont.)

Councilman Wiktor: After the original calls and requests by Highway Superintendent Ruchalski, they did a surface topping a year or two years ago and that was to suffice until 1999 when they would return and do the upgrade.

Received a request from Erie County Legislature Charles Swanick for official notification of support or opposition from the Town of Boston to a permanent county sales tax exemption on purchases of clothing items under \$110, beginning December of 1999.

Supervisor Rood noted that at an Association of Governments meeting, a group composed of either a Supervisor or Mayor from each town or village, and representatives from the county and the ECWA, unanimously opposed eliminating the county sales tax. There is another resolution before the group which opposes a permanent elimination of the sales tax but which allows the sales tax exemption during a two (2) week window. Supervisor Rood determined that a permanent elimination of the county sales tax would result in a \$25,857 loss of revenue to the Town of Boston through the Revenue Sharing Program. School districts and the county would also lose money and it would be difficult to slice these amounts from a budget without raising taxes. Once a community opts to permanently eliminate the sales tax it cannot opt out of the waiver. Should the state alter the program to exclude sales tax on items such as autos and furniture, (these industries are now lobbying for sales tax exemption), this would result in an even greater loss of revenue.

Councilman Tills: I think what the state is attempting to do here is make the state more competitive by lessening the sales tax on clothing, food and perhaps other things. I think the idea is to lessen taxes. I don't think the idea is that it is going to necessarily require other government entities to then increase their taxes. I think this is a good idea.

Councilman Wiktor: Any endeavor that looks at reducing taxes always sounds great but if you think about it, just like in your own home, if we want to reduce something, how do we do that without offsetting something else? Running a business, and government is a business and we are the directors of this business and unless we can find a viable way of continuing to run the business in a businesslike manner, in the way the we have become accustomed to, without having to hurt something else, just eliminating something and saying that we have no other way of making it up, is really not good business sense.

Councilman Tills: I think that you can never lessen taxes if, with the three different government levels, if each time one government proposed a tax reduction, the other two (2) said, "we can't support it because we'll have to increase ours". You will never have a tax reduction in that case because everybody else will increase their taxes. I think that what you are doing here is allowing people to spend less on clothing and so in fact they are going to be spending less. If you desire to make it up in property taxes so be it but they will be paying less money in taxes. So they will be saving.

Supervisor Rood: If a certain level of government proposes to cut taxes, I think they should find the alternate revenue to keep it status quo. They should not shove it off on the smaller lower levels of government to try and make it up, especially an amount of \$26,000, and that is just for the town not the school districts.

RESOLUTION 1999-03 OPPOSITION TO PROPOSED PERMANENT SALES TAX EXEMPTION

# TOWN OF BOSTON



## TOWN OF BOSTON RESOLUTION 1999-3

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, on the 3rd day of February, 1999 at 7:30 p.m., there were:

<b>PRESENT:</b>	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Stephen K. Tills	Councilman
	Karl J. Simmeth	Councilman
	Dennis J. Mead	Councilman

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

**WHEREAS**, the New York State Legislature has, effective December 1999, permanently eliminated the New York State sales tax on certain clothing items, including shoes, costing less than \$110, and

**WHEREAS**, the New York State Legislature has allowed local communities the option of providing a permanent, local sales tax exemption on clothing and shoes costing less than \$110, and

**WHEREAS**, a decision by the Erie County Legislature providing such an exemption would cost the cities, towns, villages and school districts in Erie County over \$17 million annually in lost revenue, and

**WHEREAS**, no alternative revenue sources have been identified by the state or county to replace potentially lost sales tax revenues, and

**WHEREAS**, the elimination of such revenue will lead to significant service reductions or increases in the local property tax rate, and

**WHEREAS**, the sales tax is often more equitably distributed among all residents of our communities and paid by visitors to our communities, thereby having less potential than the property tax for negatively impacting our poor and elderly residents, and

**WHEREAS**, the Chairman of the Erie County Legislature has asked for input into the legislature's decision prior to March 1999.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Boston is opposed to the Erie County Legislature enacting the option to permanently exempt certain items of clothing and footwear from the local sales tax, and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Boston requests the Erie County Legislature identify replacement sources of revenue which will not have a detrimental effect on our Boston taxpayers, should the permanent exemption be granted, and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Chairman and all members of the Erie County Legislature.

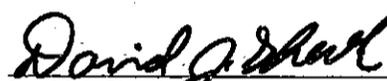
Resolution was seconded by Councilman Wiktor and put to a vote, as follows:

Supervisor Rood	Voting	<u>Aye</u>
Councilman Wiktor	Voting	<u>Aye</u>
Councilman Tills	Voting	<u>No</u>
Councilman Simmeth	Voting	<u>Aye</u>
Councilman Mead	Voting	<u>Aye</u>

Ayes: 4

Noes: 1

Carried

  
David J. Shenk Town Clerk

EXTRACT OF MINUTES

Meeting of the Town Board of the  
Town of Boston, in the  
County of Erie, New York  
February 3, 1999

\* \* \*

A regular meeting of the Town Board of the Town of Boston, in the County of Erie, New York, was held at the Town Hall, in said Town, on February 3, 1999, at 7:30 o'clock P.M. (Prevailing Time).

There were present: Honorable Lisa M. Rood, Supervisor

Councilpersons:

Damian P. Wiktor  
Stephen K. Tills  
Karl J. Simmeth Jr.  
Dennis J. Mead

There were absent:

Also present: David J. Shenk, Town Clerk

\* \* \*

Supervisor Rood offered the following  
resolution and moved its adoption:

RESOLUTION 1999-4

RESOLUTION OF THE TOWN OF BOSTON, NEW YORK, ADOPTED  
FEBRUARY 3, 1999, APPROVING THE EAST HILL WATER  
DISTRICT NO. 3, IN SAID TOWN, AND PROVIDING THAT  
SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE  
REFERENDUM.

Recitals

WHEREAS, the Town Board of the Town of Boston (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, had caused Nussbaumer & Clarke, Inc., competent engineers, duly licensed by the State of New York, to prepare a general map, plan and report, for the proposed establishment of East Hill Water District No. 3, in the Town, including the construction of a water system therein; consisting of the installation of a pump station, water storage tank, approximately 2,800 linear feet of 10-inch diameter PVC waterline and approximately 66,000 linear feet of 8-inch diameter PVC waterline, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, fittings, service connections, fill, appurtenances and related site work; which was to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the District, and

which map, plan and report had been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the maximum amount proposed to be expended for the establishment of the District and construction of such water system was estimated to be \$2,400,000; and

WHEREAS, the Town Board of the Town of Boston in the County of Erie, New York, has now caused Nussbaumer & Clarke, Inc., to prepare an amended general map, plan and report, for the proposed establishment of East Hill Water District No. 3 (the "District"), in the Town, including the construction of a water system therein; consisting of the installation of a pump station, a water storage tank, approximately 3,100 linear feet of 10-inch diameter PVC waterline and approximately 41,700 linear feet of 8-inch diameter PVC waterline, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, fittings, service connections, fill, appurtenances and related site work (the "Water Improvement"), which Water Improvement is to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the

District, and which amended map, plan and report has been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, the Town Board has determined to proceed with the establishment of the District and adopted an Order on December 16 1998 reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of water improvements in connection with the District, the proposed method of financing to be employed, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection and specifying January 6, 1999, at 8:00 o'clock P.M. (Prevailing Time) as the time when, and the Boston Town Hall in the Town, as the place where, the Town Board would meet to consider the proposed District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

WHEREAS, certified copies of such Order were duly published and posted pursuant to the provisions of Article 12-A of the Town Law; and

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

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

WHEREAS, a Public Hearing in the matter was duly held by the Town Board on this 6th day of January, 1999, commencing at 8:00 o'clock P.M. (Prevailing Time), at said Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed District.

NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it

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

Section 1. It is hereby determined that:

(a) the Notice of Public Hearing was published and posted as required by Law, and is otherwise sufficient;

(b) all the property and property owners included within the proposed District hereinabove referred to in the recitals hereof are benefitted thereby;

(c) all the property and property owners benefitted are included within the limits of the proposed District; and

(d) it is in the public interest to establish the District.

Section 2. The District is hereby approved, as hereinafter described, and said District shall be designated and known as the East Hill Water District No. 3, in the Town of Boston, and shall be bounded and described as follows:

(INSERT DESCRIPTION OF EXTENSION)

LEGAL DESCRIPTION  
WATER DISTRICT NO. 3  
October 6, 1995

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie, State of New York, and being part of Lots, 4, 5, 6, 7, 8, 13, 14, 15, 22, 29, 58, 59, 60, 61, 62, 66, 67, 68, 69 and 70, Township 8, Range 7 of the Holland Land Company's survey, bounded and described as follows:

Beginning at a point in the northeast corner of the Town of Boston, said point being further described as the southeast corner of the Town of Orchard Park, the southwest corner of the Town of Aurora, the northwest corner of the Town of Colden; thence southerly along the easterly lines of Lots, 70, 69, 68, 67, and 66 to the southeasterly corner of lands conveyed now or formerly to Jerome Nurt by Liber 7691 of Deeds at Page 169; thence westerly, along the southerly line of said Nurt lands, and continuing westerly along the projected line of said Nurt lands to the southwest corner of lands conveyed now or formerly to James and Susan Bercantz by Liber 10641 of Deeds at Page 471, said point being further described as being the west line of Lot 66; thence northerly along the west line of Lot 66, to the southeast corner of lands conveyed now or formerly to Alfred Kaefer and Wife by Liber 6837 of Deeds at Page 587; thence westerly along the southerly line of said Kaefer lands to the southwest corner thereof; thence northerly along the westerly line of said Kaefer lands to the southeast corner of lands conveyed now or formerly to Charles and Patricia Zimmerman by Liber 9715 of Deeds at page 367; thence westerly along the southerly line of said Zimmerman lands to the centerline of Cole Road (66 feet wide); thence northerly along the centerline of Cole Road to the southeasterly corner of lands conveyed now or formerly to Thomas Homme by Liber 9371 of Deeds at Page 93; thence westerly along the southerly line of said Homme lands to the southwesterly corner thereof, said line being further described as the west line of Lot 58; thence northerly along the westerly line of Lot 58 to the southeasterly line of lands conveyed now or formerly to Andrew Zubricky and Wife by Liber 7520 of Deeds at Page 605; thence westerly along the southerly line of said Zubricky lands to the southwest corner thereof; thence northerly along the westerly line of said Zubricky lands to the southeasterly corner of lands conveyed now or formerly to Frank Sibiga and Wife by Liber 9050 of Deeds at Page 594; thence southwest, northerly, northeasterly and northerly to the southerly line of Lot 5; thence westerly along the southerly line of Lot 5 to the southwesterly corner of lands conveyed now or formerly to Shuaib A. Shuaib by Liber 9199 of Deeds at Page 444; thence northerly along the westerly line of said Shuaib lands to the southeasterly line of lands conveyed now or formerly to Donald Gravis and Wife by Liber 7326 of Deeds at Page 121; thence westerly along the southerly line of said Gravis lands to the southwesterly corner thereof, said corner being

further described as the easterly line of Lot 13; thence northerly along the easterly line of Lot 13 to the southeasterly corner of lands conveyed now or formerly to Helen Loneragan by Liber 6071 of Deeds at Page 353; thence westerly along the southerly line of said Loneragan lands and the southerly line of lands conveyed now or formerly to Michael L. Payne and Wife by Liber 2855 of Deeds at Page 63, to a point at an intersection of the easterly line of lands conveyed now or formerly to Gregory Briggs by Liber 9228 of Deeds at Page 586; thence southerly along the easterly line of said Briggs lands to the southeasterly corner thereof; thence westerly along the southerly line of said Briggs lands to the southwest corner thereof, said corner being further described as being the easterly line of lands conveyed now or formerly to Robert D. Robson and Wife by Liber 8955 of Deeds at Page 274; thence northerly along the easterly line of said Robson lands to the southeasterly corner of lands conveyed now or formerly to Chester and Pat Rosinski by Liber 7838 of Deeds at Page 293; thence westerly along the southerly line of said Rosinski lands and the southerly line of lands conveyed now or formerly to Donna Wolecki by Liber 9946 of Deeds at Page 157, said point being further described as being on the easterly line of Niagara Mohawk Power Corp. by Liber 1685 of Deeds at Page 454 and Liber 1687 of Deeds at Page 254, said line being further described as an abandoned railroad owned by Niagara Mohawk Power Corp.; thence northwesterly along the easterly line of said Niagara Mohawk Power Corp. to the northerly line of Liebler Road (66 feet wide); thence easterly along the northerly line of said Liebler Road to the westerly line of lands conveyed now or formerly to Richard Roehner by Liber 8589 of Deeds at Page 525; thence northerly along the westerly line of said Roehner lands to the northwesterly corner of land conveyed now or formerly to Eugene J. May by Liber 9912 of Deeds at Page 271; thence easterly along the northerly line of said May lands to the northeast corner thereof; thence southerly along the easterly line of said May lands to the northwesterly corner of lands conveyed now or formerly to Ronald and Audrey R. Hillman by Liber 9339 of Deeds at Page 168; thence easterly along the northerly line of said Hillman lands and the northerly line of lands conveyed now or formerly to James L. Barbati and wife by Liber 8966 of Deeds at Page 550, Thomas Jusiak and Wife by Liber 7711 of Deeds at Page 63, Richard M. Jerome by Liber 7662 of Deeds at Page 121, Henry Griebel and Wife by Liber 6905 of Deeds at Page 477, to the westerly line of lands conveyed now or formerly to Anthony Dubrinski by Liber 5605 of Deeds at Page 1, said line being further described as the west line of Lot 5; thence northerly along the west line of Lot 5 to the south line of Lot 6; thence westerly along the south line of Lot 6, and the southerly line of lands conveyed now or formerly to Ernest Celani and Wife by Liber 9461 of Deeds at Page 384, Michael and Barbara Nowaczyk by Liber 10411 of Deeds at Page 404, Dan Hurtubise and Shirley by Liber 10598 of Deeds at Page 754 to the southwest corner of said Hurtubise; thence northerly, westerly and northerly along the

west line of said Hurtubise lands and lands conveyed now or formerly to Mark Janker by Liber 9318 of Deeds at Page 569 to the southwesterly corner of lands conveyed now or formerly to Thomas and Charlene Makowski by Liber 9640 of Deeds at Page 49; thence easterly along the southerly line of said Makowski to the southeast corner thereof; thence northerly along the easterly line of said Makowski to the northeasterly corner thereof; thence westerly to the easterly line of lands conveyed now or formerly to Richard and Shirley Huchey by Liber 9579 of Deeds at Page 441; thence southerly along the easterly line of said Huchey lands to the southeasterly corner thereof; thence westerly, southerly, and westerly along the southerly line of said Huchey lands to the west line of lands conveyed now or formerly to James Laskowski by Liber 10102 of Deeds at Page 561; thence southerly along the easterly line of said Laskowski lands to the southeasterly corner thereof; thence westerly along the southerly line of said Laskowski lands to the southwest corner thereof, said point being further described as the easterly line of lands conveyed now or formerly to Ruth Musser by Liber 7604 of Deeds at Page 481; thence southerly along the easterly line of said Musser lands to the southeasterly corner thereof; thence westerly along the southerly line of said Musser lands, a distance of 700 feet to a point; thence northerly through the lands of said Musser to the westerly corner of lands conveyed now or formerly to Charles Kreuger by Liber 7741 of Deeds at Page 70; thence westerly and northerly to the southerly line of lands conveyed now or formerly to Robert E. Darling and Wife by Liber 6307 of Deeds at Page 410; thence easterly along the southerly line of said Darling lands to the southeasterly corner thereof; thence northerly along the easterly line of said Darling lands to the centerline of Omphalius Road (66 feet wide); thence northeasterly along the centerline of Omphalius Road to the southwesterly corner of lands conveyed now or formerly to Thomas Rzepecki and Wife by Liber 8206 of Deeds at Page 493; thence northerly along the westerly line of said Rzepecki to the southerly line of lands conveyed now or formerly to Peter and Susan Lindner by Liber 10316 of Deeds at Page 411; thence westerly along the southerly line of said Lindner lands to the southwesterly corner thereof; thence northerly along the westerly line of said Lindner lands to the northwest corner thereof; thence easterly along the northerly line of said Lindner lands to the southwesterly corner of lands conveyed now or formerly to Theresa Bates by Liber 10275 of Deeds at Page 208; thence northerly along the westerly line of said Bates lands and the westerly line of lands conveyed now or formerly to Paul and Susan Belford by Liber 10426 of Deeds at Page 269 to the northwesterly corner thereof; thence easterly along the northerly line of said Belford lands to the northeasterly corner thereof, said corner being further described as being a point on the easterly line of lands conveyed now or formerly to Warner Martin by Liber 10362 of Deeds at Page 761; thence northerly along the easterly line of said Martin lands to the northeast corner thereof, said corner being further described as being conveyed now or formerly

to Warner Martin by Liber 9539 of Deeds at Page 236; thence easterly along the southerly line of said Martin lands to the southeasterly corner thereof, said corner being further described as on the west line of Lot 6; thence northerly along the west line of Lot 6 to the northeast corner of lands conveyed now or formerly to Warner Martin by Liber 9539 of Deeds at Page 236; thence westerly along the northerly line of said Martin lands to the northeasterly corner of lands conveyed now or formerly to Frank Szeliga by Liber 5463 of Deeds at Page 209; thence southerly along the easterly boundary of said Szeliga lands to the southeast corner thereof; thence southwesterly along the easterly line of lands conveyed now or formerly to Eugene Braunbach by Liber 6578 of Deeds at Page 311, to the northeasterly corner of lands conveyed now or formerly to Herbert Burgasser by Liber 9381 of Deeds at Page 338; thence southerly along the easterly line of said Burgasser lands to the southeast corner thereof, said corner being further described as being on the northerly line of Lot 14; thence westerly along the northerly line of Lot 14 to the southwest corner of lands conveyed now or formerly to Russell J. Tomaka by Liber 9805 of Deeds at Page 574; thence northeasterly along the westerly line of said Tomaka lands to the southeasterly corner of lands conveyed now or formerly to Mark Heusinger by Liber 10463 of Deeds at Page 44; thence westerly along the southerly line of said Heusinger lands and the southerly line of lands conveyed now or formerly to Joseph Skupien by Liber 4935 of Deeds at Page 175, to the easterly line of lands conveyed now or formerly to Roland Georger by Liber 4068 of Deeds at Page 475; thence northerly to the northeasterly corner of lands conveyed now or formerly to Eugene Schunk by Liber 6648 of Deeds at Page 172, said point being further described as being a point on the southerly line of land conveyed now or formerly to Keith Gaydek by Liber 10042 of Deeds at Page 561; thence easterly along the southerly line of said Gaydek lands to the southeast corner thereof; thence northerly, westerly and northerly along the easterly line of said Gaydek lands to the northwesterly corner of lands conveyed now or formerly to Nelson Logal by Liber 8582 of Deeds at Page 13; thence easterly along the northerly line of said Logal lands to the southeasterly corner of lands conveyed now or formerly to Clara Miller estate c/o Mary Rauch, Executrix, by Liber 4012 at Page 104; thence northerly along the easterly line of said Miller and Andres lands and projecting northerly through lands conveyed now or formerly to Kevin D'Angelo by Liber 10314 of Deeds at Page 420 and Frank Wong by Liber 10204 of Deeds at Page 117 to the south line of Lot 15; thence westerly along the south line of Lot 15 to the southeast corner of lands conveyed now or formerly to Clifford Koppman and Eileen Congilosi by Liber 10196 of Deeds at Page 172; thence northerly to the southwest corner of lands conveyed now or formerly to Elizabeth Holmes by Liber 10599 at Page 138; thence easterly along the southerly line of said Holmes lands to the southeast corner thereof; thence northerly along the easterly line of said Holmes lands to the centerline of Town Line Road; thence

easterly along the centerline of Town Line Road to the northeasterly corner of lands conveyed now or formerly to John and Dorothy Solomon by Liber 9660 of Deeds at Page 385; thence southerly along the easterly line of said Solomon lands to the southeasterly corner thereof; thence easterly along the southerly line of lands conveyed now or formerly to Edward and Katherine Simon by Liber 9395 of Deeds at Page 397 and Robert Magiera by Liber 9457 of Deeds at Page 54, to the westerly line of lands conveyed now or formerly to Alexander Obrockta by Liber 3225 of Deeds at Page 64; thence southerly along the westerly line of Obrockta to the southwesterly corner thereof; thence easterly along the southerly line of said Obrockta lands to the southeasterly corner thereof; thence northerly along the easterly line of said Obrockta lands a distance of 650± feet to a point, said point being further described as 650± feet south from the centerline of Town Line Road; thence easterly and parallel to Town Line Road to the westerly line of lands conveyed now or formerly to Thomas R. and Lori Donohue by Liber 9380 of Deeds at Page 206; thence northerly along the westerly line of said Donohue lands a distance of 150± feet; thence easterly through said Donohue lands and the southerly line of lands conveyed now or formerly to Thomas R. and Lori Donohue by Liber 9380 of Deeds at Page 208 to the southeast corner thereof; continuing easterly and parallel with Town Line Road through lands conveyed now or formerly to Richard and Donna Russert by Liber 10877 of Deeds at Page 1649, to the west line of lands conveyed now or formerly to Michael Marshall by Liber 9609 of Deeds at Page 60; thence southerly to the southwest corner thereof; thence easterly along the southerly line of said Marshall lands to the southeasterly corner thereof, said point being further described as being the west line of Lot 62; thence northerly along the west line of Lot 62 to the northwesterly corner of lands conveyed now or formerly to Edward Young and Russell Miller by Liber 9988 of Deeds at Page 650; thence easterly along the north line of said Young lands to the westerly line of lands conveyed now or formerly to Martin and Ellen Januskiewicz by Liber 10065 of Deeds at Page 24; thence southerly along the westerly line of said Januskiewicz lands to the southwest corner thereof; thence easterly along the southerly line of said Januskiewicz lands to the southeast corner thereof; thence northerly along the easterly line of said Januskiewicz lands to the centerline of Town Line Road; thence easterly along the centerline of Town Line Road to the point or place of beginning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(CONT)

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

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

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

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

ALSO

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

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

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

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

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

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

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

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

thence southwesterly along the south line of said lands of Musser, a distance of about one twenty-six feet (126'±) to the southeast corner of lands now or formerly owned by Lawrence M. Rozborski and wife (226.02-7-3.2) and said lands now or formerly owned by Larry Rozborski (226.02-7-3.1); a distance of about five hundred twenty-three feet (523'±) to the southwest corner of said lands of Larry Rozborski;

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

(CONT)

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

ALSO

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

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

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

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

thence westerly along the various courses of the south lines of said lands of Salter, a distance of about eight hundred forty-six feet (846'±) to the northeast corner of lands now or formerly owned by Ronald and Audrey R. Hillman (227.00-5-18);

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

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

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

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

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

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

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

Section 3. the maximum amount proposed to be expended for the construction of such District and the Water Improvement therein is estimated to be \$3,050,000, which is planned to be financed by the issuance of \$2,200,300 serial bonds of the Town, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, with the Town's expectation being that the balance of the necessary financing will be obtained through the United State of America and/or the Erie County Water Authority;

Section 4. The permission of the State Comptroller is required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller.

Section 5. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said resolution to cause to be filed in the office of the State Department of Audit and Control a copy of this resolution, together with an application, in duplicate, for permission to establish the District.

Section 6. This resolution is subject to permissive referendum and the Town Clerk of the Town is hereby authorized and directed within ten (10) days after the adoption of said resolution, to cause to be published at least once in the "SPRINGVILLE JOURNAL" a newspaper published in Springville, New York, and hereby designated as the official newspaper of the Town for such publication, and posted on the sign board of the Town, a Notice which shall set forth an abstract of said foregoing resolution which shall be in substantially the following form:

TOWN OF BOSTON, NEW YORK

PLEASE TAKE NOTICE that on February 3, 1999, the Town Board of the Town of Boston, in the County of Erie, New York, adopted a resolution entitled:

"RESOLUTION OF THE TOWN OF BOSTON, NEW YORK, ADOPTED FEBRUARY 3, 1999, APPROVING THE EAST HILL WATER DISTRICT NO. 3, IN SAID TOWN, AND PROVIDING THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE REFERENDUM"

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: RECITING that the Town Board of the Town of Boston ("Town Board" and "Town", respectively), New York, has heretofore duly caused Nussbaumer & Clarke, Inc., competent engineers, duly licensed by the State of New York, to prepare a general map, plan and report, for the proposed establishment of East Hill Water District No. 3, (the "District") in the Town, including the construction of a water system therein; consisting of the installation of a pump station, water storage tank, approximately 2,800 linear feet of 10-inch diameter PVC waterline and approximately 66,000 linear feet of 8-inch diameter PVC waterline, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, fittings, service connections, fill, appurtenances and related site work; which was to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the District; which map, plan and report had been duly filed in the office of the Town Clerk of the Town for public inspection; the maximum amount proposed to be expended for the establishment of the District and construction of such water system was estimated to be \$2,400,000; that the Town Board of the Town of Boston in the County of Erie, New York, has now caused Nussbaumer & Clarke, Inc., to prepare an amended general map, plan and report, for the proposed

establishment of East Hill Water District No. 3, in the Town, including the construction of a water system therein; consisting of the installation of a pump station, a water storage tank, approximately 3,100 linear feet of 10-inch diameter PVC waterline and approximately 41,700 linear feet of 8-inch diameter PVC waterline, including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, fittings, service connections, fill, appurtenances and related site work (the "Water Improvement"), which Water Improvement is to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the District, and which amended map, plan and report has been duly filed in the office of the Town Clerk of the Town for public inspection; that an Order was adopted on December 16, 1998 reciting a description of the boundaries of the proposed District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended therefor, the proposed method of financing, the fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection, and specifying the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that copies of such Order have been duly published and posted, that all environmental laws and regulations have been complied with, and that such hearing has been duly held on January 6, 1999, at the time and place specified.

SECOND: RESOLVING AND DETERMINING that (a) the Notice of hearing was published and posted as required by Law and is otherwise sufficient, (b) all the property and property owners within the proposed District are benefitted thereby, (c) all the property and property owners benefitted are included within the limits of the proposed District, and (d) that the District is in the public interest.

THIRD: FURTHER RESOLVING AND DETERMINING that the District be approved, DESIGNATING such District as the East Hill Water District No. 3, in the Town of Boston, and DESCRIBING the District by metes and bounds.

FOURTH: RESOLVING that the maximum amount proposed to be

expended for the construction of such Water Improvement is estimated to be \$3,050,000, which is planned to be financed by the issuance of \$2,200,300 serial bonds of the Town, and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, with the Town's expectation being that the balance of the necessary financing will be obtained through the United State of America and/or the Erie County Water Authority.

FIFTH: STATING that the permission of the State Comptroller is required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is above the Average Estimated cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller;

SIXTH: STATING that the Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said resolution to cause to be filed in the office of the State Department of Audit and Control a copy of this resolution, together with an application, in duplicate, for permission to establish the District; and

SEVENTH: STATING that this resolution is subject to permissive referendum.

By order of the Town Board of the  
Town of Boston, in the County of  
Erie, New York.

Dated: February 3, 1999

David J. Shenk  
Town Clerk

The adoption of the foregoing resolution was seconded by

Councilman Mead and duly put to a vote on roll call, which

resulted as follows:

AYES: Supervisor Rood  
Councilman Wiktor  
Councilman Tills  
Councilman Simmeth  
Councilman Mead

NOES:

The resolution was declared adopted

\*\*\*\*\*

CERTIFICATE

I, David J. Shenk, Town Clerk of the Town of Boston, in the County of Erie, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on February 3, 1999, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 12th day of February, 1999.

(SEAL)

David J. Shenk  
Town Clerk

REGULAR BOARD MEETING  
FEBRUARY 3, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to designate the Hamburg Branch of Fleet Bank as the Depository for the Refuse and Garbage Certificate of Deposit.

five (5) Ayes

Carried

Town Attorney Perley noted that Water District No. 3 has never been formed because we never had the approval of Audit & Control. Once Resolution 1999-04 has been adopted, the Clerk will be directed to publish and post a Notice of Adoption and in approximately one month an application can be filed with the Comptroller's office.

**RESOLUTION 1999-04 FORMATION OF WATER DISTRICT NO. 3**

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the following 1999 Budget Amendments:

Water District #2	Appropriations	\$51,810.00
	Less estimated Revenue	
	Less Unexpended Balance	4,453.00
	Amount to be raised by taxes	47,357.00
Garbage	Appropriations	369,113.00
	Less estimated Revenue	
	Less Unexpended Balance	40,553.00
	Amount to be raised by taxes	328,560.00
Summary Totals:	Appropriations	3,118,512.00
	Less estimated Revenue	956,300.00
	Less Unexpended Balance	363,419.00
	Amt to be raised by taxes	1,798,793.00

five (5) Ayes

Carried

Received and filed a letter dated January 29, 1999 from Tristan and Deborah Dilapo, Robert and Sue Zahm, Donna and Clyde Hutchins, Karen Spaulding and Kathy Graves requesting a determination on the structural condition of the FM and Buffalo Amateur Radio Repeater Association towers on Cole Road.

Town Attorney Perley noted that a determination on the structural condition of a tower falls under Chapter 47 of Unsafe Buildings, which includes structures.

Code Enforcement Officer Lisowski was directed to conduct a preliminary examination of the Cole Road towers and to contact Robert Harris of R & D Engineering if it is determined that engineering advice is required.

Code Enforcement Officer Lisowski responded that he will inspect the towers tomorrow.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to re-appoint Zintars Zadins to the Planning Board, term to expire 02/01/06.

five (5) Ayes

Carried

Supervisor Rood commented that in 1998 Governor Pataki signed a law into legislation that authorizes the appointment of alternate delegates to the Planning Board and the Zoning Board of Appeals to substitute in instances of illness, conflicts of interest or to maintain a quorum for voting.

Councilman Mead noted that there have been several situations in the past when there was not a quorum to do business and the adoption of Local Law No. 1 will solve this problem.

REGULAR BOARD MEETING  
FEBRUARY 3, 1999

TOWN HALL  
7:30 P.M.

Councilman Wiktor commented that it is a sensible law in the fact that you have a current sitting knowledgeable person who can fill in for a vacancy and be able to conduct business without an applicant having to suffer by waiting for a quorum.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to schedule a Public Hearing for March 3, 1999 at 8:00 p.m. on the Proposed Local Law No. 1 to allow appointments of alternate delegates to the Planning Board and the Zoning Board of Appeals.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to approve the following corrections:

December 30, 1998 - General Fund and Special Districts:

Abstract #12B V#1064 EC Comp	From \$	20.00	To \$	20.06
Total Gen Fund	From \$11,599.13	To	\$11,599.19	

January 20, 1999 - Highway Fund:

Abstract #1A - Remove voucher #28 - Hanson Trucks	- \$52,966.00
Total Abstract	From \$65,607.48 To \$12,641.48

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to approve the following General Fund and Special Districts correction of the December 30, 1998 Transfer of Appropriations:

Water District #2	Approp	960	\$3,821.72
	From	SW28340.2	\$3,821.72
	To	SW28340.4	\$3,821.72

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant the Boston Democratic Club use of the Boston Town Park property and Community Room on Saturday, April 3, 1999 for the 38th Annual Easter Egg Hunt.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant Karen Ellis use of the Lions Shelter, Boston Town Park property and restrooms on Sunday, July 4, 1999 for a family picnic. Alcoholic beverages will be served.

five (5) Ayes Carried

Supervisor Rood noted that the final walk through and inspection for the Water District #2 and Extension #2 Keller Road Pump Station was Tuesday, February 2, 1999. The Certificate of Substantial Completion has been received and the pump station can now be turned over to the Erie County Water Authority who will be responsible for electric bills, plowing of the driveway, repairs etc. There is a punch list of minor cosmetic items that the ECWA has stated would not be a problem.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to turn the Water District #2 and Extension #2 Keller Road Pump Station over to the Erie County Water Authority.

five (5) Ayes Carried

REGULAR BOARD MEETING  
FEBRUARY 3, 1999

TOWN HALL  
7:30 P.M.

SUPERVISOR REPORT

Supervisor Rood received notification from NYSEG of a Live-Line Demonstration on March 30th, June 16th, September 22nd, and November 17th from 8:00 a.m. to 4:30 p.m. at NYSEG's Hamburg location, at the rear of the property at 5655 South Park Avenue. Supervisor Rood directed Town Clerk Shenk to advise the local police, fire and other emergency services personnel of the available session dates.

TOWN CLERK REPORT

A motion was made by Councilman Mead and seconded by Councilman Wiktor to grant Town Clerk Shenk permission to include a Town of Boston informational flyer with the tax bills and receipts.

five (5) Ayes Carried

Town Clerk Shenk thanked the Town Board for approving the purchase of the Town Clerk's software program. The program was installed last week and is going well.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Supervisor Rood and seconded by Councilman Tills to grant Highway Superintendent Ruchalski permission to attend the NY Association of Towns 1999 Training School and Annual meeting in NY City on February 13th to February 17th, 1999, with expenses of airfare, single rate hotel, registration and \$150 food allowance to be paid.

five (5) Ayes Carried

TOWN ATTORNEY REPORT

Town Attorney Perley thanked the Town Board for granting him permission to attend the Defense Research Institute on Municipal Matters Seminar. There were two (2) primary issues regarding the role of Town Attorney in the Town of Boston. One issue addressed the current constitutional standards for inverse condemnation cases which affects the breath of our zoning capability. Another seminar addressed the issue of free speech in town government and the regulation of town property, signs and displays. Town Attorney Perley will discuss with the Town Board, at it's convenience, what are known under the first amendment as time, place and manner requirements.

Town Attorney Perley will have, by the next Town Board meeting, legislation on Councilman Wiktor's project of unifying a schedule of costs and fees for the Town of Boston. This will be in the form of Local Laws that will bring all of the various provisions scattered throughout the code book into line. This is the last step before the General Code Publishers Corp. is presented with the most recent legislation codified and ready to be entered into the code books.

COUNCILMAN REPORT

Councilman Mead reported that on January 30, 1999 he and Councilman Wiktor attended the annual Town of Boston Ski Program pizza party at the Town Hall Community Room.

Councilman Wiktor reported that the school in which he works was the object of an anthrax threat yesterday. Last week he discussed the problem of anthrax threats relative to schools with Erie County Sheriff Patrick Gallivan and other representatives of law enforcement agencies. Councilman Wiktor presented the Town Clerk with a memo containing guidelines for handling an anthrax threat

REGULAR BOARD MEETING  
FEBRUARY 3, 1999

TOWN HALL  
7:30 P.M.

COUNCILMAN REPORT (Cont.)

Councilman Wiktor (Cont.): and requested that the information be shared with individuals that handle the mail and telephones at the town hall. The West Seneca Town Hall received two (2) anthrax telephone threats yesterday.

Councilman Wiktor reported that on January 23, 1999 he served as toastmaster for the North Boston Fire Company. Supervisor Rood installed officers, Richard Lee, Chief, Thomas Edington, 1st Assistant Chief, Sean Crotty, 2nd Assistant Chief, David Blank, Captain and Robert Karcher as Lieutenant. Sean Crotty was selected and honored as the 1998 Firefighter of the Year.

Councilman Wiktor attended the Boston Emergency Squad Installation of Officers on January 30, 1999. Supervisor Rood was also in attendance. The officers for 1999 are Jim Henry, Director of Operations, Dave Measer, Deputy Director, Diane Helmbrecht, Duty Roster Lt., Marianne Wack, Supply Lt., Kevin Steward, Transportation Lt., Casey Glogowski, Station Lt., Lynn Gerber, Training Lt., and Audrey Frank, Emergency Preparedness Lt. The squad had nine (9) members who served over a thousand (1,000) hours in 1998. Warren Berger had the most hours served with 1,172 hours.

Councilman Wiktor reported that on January 24, 1999 he received a call from a resident on Kevinton Drive regarding a flooded basement. Councilman Simmeth and Councilman Wiktor inspected the basement and conferred with Highway Superintendent Ruchalski. It was decided that another investigation will be done in the spring to determine the cause of the problem. Councilman Wiktor thanked Councilman Simmeth and Highway Superintendent Ruchalski for their time on this problem.

Councilman Tills reported that he has had preliminary discussions with Recreation Director O'Brien regarding the possibility of an "over thirty soccer league." Recreation Director O'Brien will discuss this with Youth Board members at the March 3, 1999 meeting.

Councilman Tills noted that the Christmas Lighting Committee has raised approximately \$3,000 for the creche restoration project.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for January 1999 was received and is on file in the Clerk's Office.

Supervisor Rood read a recommendation of demolition for 5829 Herman Hill Road from Deputy Code Enforcement Officer Lisowski based on a January 30, 1999 inspection. The property is owned by Richard Dillsworth Jr., Indianapolis, Indiana.

Supervisor Rood noted that Ken Manista from the North Boston Fire Co. offered to burn this house upon approval by the owner, as a fireman training exercise.

Town Attorney Perley will send a notice to the owner to give him an opportunity to correct the situation.

A motion was made by Supervisor Rood and seconded by Councilman Mead to direct Town Attorney Perley to serve a Notice of a Defective Building at 5829 Herman Hill Road and a Notice of Pendency to owner Richard Dillsworth Jr. and schedule a Public Hearing for March 17, 1999 at 6:00 p.m. in the Planning Board Room.

five (5) Ayes

Carried

REGULAR BOARD MEETING  
FEBRUARY 3, 1999

TOWN HALL  
7:30 P.M.

CONSERVATION ADVISORY COUNCIL

- A) Conservation Advisory Council Annual report for 1998 was received and is on file in the Clerk's Office.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to grant the Conservation Advisory Council use of the Lions Shelter and Community Room for the Earth day events on April 24, 1999 from 9:00 a.m. to 1:00 p.m.

five (5) Ayes

Carried

DOG CONTROL OFFICER MONTHLY REPORT

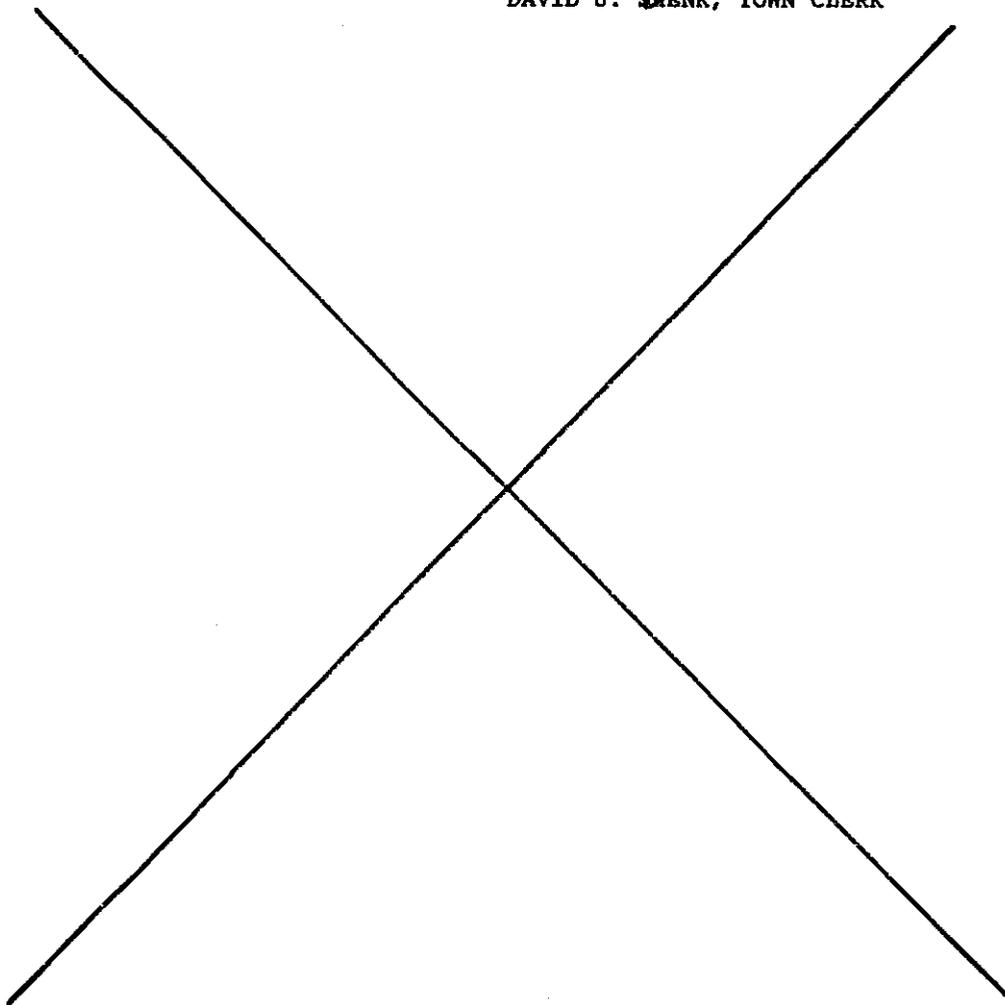
- A) Dog Control Officer monthly report for January 1999 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

- A) Town Engineer's monthly report for January 1999 was received and is on file in the Clerk's Office.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 8:16 p.m.

*David J. Shenk*  
DAVID J. SHENK, TOWN CLERK



REGULAR BOARD MEETING  
FEBRUARY 17, 1999

TOWN HALL  
7:30 P.M.

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

Absent: Councilman Stephen K. Tills and Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt minutes of the February 3, 1999 monthly meeting.

four (4) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #2A, dated February 17, 1999 in the amount of \$40,036.53 be paid.

four (4) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #2A, dated February 17, 1999, amount of \$7,548.59 be paid.

four (4) Ayes Carried

Received and filed the NYS Board of Real Property Services Certificate of the Final State Equalization Rate of 77.45 for the Town of Boston 1998 Assessment Roll.

Received and filed a National Fuel Gas Corp. System Map showing the location of gas facilities in relation to the Town of Boston.

Town Attorney Perley noted that this map and all other maps should be cataloged and filed in a location that is readily accessible in the event of an emergency.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the Correction of the Transfer of Appropriations Due to Accrued 1998 Liabilities as follows:

December 30, 1998 - General Fund and Special Districts:

Appropriate	A 960	4,453.45
From: Unallocated Ins	A1910.4	4,453.45
To: Justice	A1110.4	300.00
Supervisor	A1220.4	1,429.64
Garage	A5132.4	532.01
Play/Rec	A7140.4	148.59
Youth Prog	A7310.4	14.33
Supervisor	A1220.1	110.97
Justice	A1110.1	1,917.85
Traffic Court	A3310.4	.06
		<u>4,453.45</u>

December 30, 1998 - Highway Fund:

Appropriate	D960	2,644.18
From: Snow Removal	D5142.1	863.17
Snow Removal	D5148.1	<u>1,781.10</u>
		2,644.18
To: Snow Removal	D5142.1	863.17
Snow Removal	D5148.1	<u>1,781.10</u>
		2,644.18

four (4) Ayes Carried

REGULAR BOARD MEETING  
FEBRUARY 17, 1999

TOWN HALL  
7:30 P.M.

Received and filed a Notice of Claim against the Town of Boston from Erie County Water Authority in the amount of \$2,478.32.

Town Attorney Perley noted that Section 65 of Town Law requires anyone making a claim against the town under a Claim of Contract to file a notice within six (6) months.

Supervisor Rood commented that the Town of Boston received a bill from ECWA for a hydrant replacement at 7405 Heinrich Road. The Town of Boston had an agreement with the ECWA to be notified of any non-emergency work done in the Town of Boston so that competitive bids could be obtained. Supervisor Rood received a quote that was \$264 less than the ECWA bill and requested an adjustment from ECWA. The only response from the ECWA has been the Notice of Claim.

Town Attorney Perley will contact the ECWA Attorney.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to grant the Boston Hillfest Committee use of the Community Room and kitchen on Saturday, March 6th for set up and preparation and March 7th for a Spaghetti Dinner.

four (4) Ayes

Carried

A motion was made by Councilman Simmeth seconded by Councilman Wiktor to grant the Boston Historical Society use of the Community Room on March 2nd and October 5th, 1999 for dinner meetings.

four (4) Ayes

Carried

Received and filed an inspection report on the Cole Road Towers from Deputy Code Enforcement Officer Lisowski in response to a letter received from area residents regarding concern for the condition of the towers. Deputy Code Enforcement Officer Lisowski determined that the tower appears to be in good condition with no structural weakness evident to the naked eye.

Deputy Code Enforcement Officer Lisowski, in response to Town Attorney Perley's inquiry as to how hard the wind was blowing and if there were any wind load problems, responded that the wind was blowing twenty (20) to twenty-five (25) miles per hour and that there was a very slight lean at the top of the tower.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to refer the application and site plan of David Tomasello, 8692 Boston State Road, to the Planning Board for review and recommendation.

four (4) Ayes

Carried

SUPERVISOR REPORT

Supervisor Rood thanked the town for allowing her to attend the NY Association of Towns Conference in NY city and will have a full report at the next Town Board meeting.

TOWN CLERK REPORT

Town Clerk Shenk noted that at the NY Association of Towns Conference in NY city he was informed that there is a possibility credit cards may be used for the payment of taxes. Town Clerk Shenk will invite a vendor to meet with him on this proposal.

Town Clerk Shenk reported that the 1999 Town and County tax bills were mailed on February 12, 1999.

Town Clerk Shenk announced that the Town Clerk's office will be open Saturdays, February 27th, March 6th and March 13th from 9:00 a.m. to 3:00 p.m. for the collection of taxes and other business.

REGULAR BOARD MEETING  
FEBRUARY 17, 1999

TOWN HALL  
7:30 P.M.

TOWN ATTORNEY

Town Attorney Perley reported that he received a call from American Tower representatives, owners of the FM tower, inquiring if Frontier would be interested in co-locating. American Tower has structural deficiencies that they intend to correct.

Town Attorney Perley reported that Dale Manchester, Concord Town Attorney, prompted by the Town of Concord Supervisor, has concerns regarding the proposed Concord Water District #2 agreement with the Town of Boston. The agreement is the same as the agreement with Orchard Park which is expected to be finalized in its present form in the near future.

A motion was made by Supervisor Rood and seconded by Councilman Mead to schedule a Public Hearing for March 17, 1999 at 8:00 p.m. for Proposed Local Law No. 2 of the Year 1999, to amend a prior Local Law known as the "Zoning Law of the Town of Boston".

four (4) Ayes

Carried

Town Attorney Perley noted the fee schedule project will be available at the next Town Board meeting.

Town Attorney Perley commented that regarding the Site Plan Approval for the Tomasello property, 8692 Boston State Road, the Planning Board will determine that when the building is extended it will not comply with the front yard setback. After researching the law and other opinions, an extension of that building will not create more of a non-conforming building than existed before the extension. Town Attorney Perley will include a formal letter with the site plan file so that this is documented and will not require a referral to the Zoning Board of Appeals for a variance.

Town Attorney Perley requested that Deputy Code Enforcement Officer Lisowski contact Edward Dzierzanowski, 6710 Mill Street, regarding his outstanding summonses which will be reactivated if needed. It appears that the Boston Fire Company will be purchasing the property in the future.

COUNCILMAN REPORT

Councilman Wiktor reported that on February 5, 1999, at a ceremony held at the Boston Fire Company, he presented a Proclamation to Scott Helmbrecht on behalf of the Boston Town Board, for his induction as a Eagle Scout from Troop 491.

Councilman Wiktor announced that baseball registration will be on Saturday, February 20, 1999 from 10:00 a.m. to 2:00 p.m. in the Boston Town Hall Community Room.

Councilman Wiktor will inform the Town Board of which date, February 27th, March 6th or March 13th is confirmed by the Patchin Fire Company for a visit by the Town Board.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 8:03 p.m.

*David J. Sherk*  
DAVID J. SHENK, TOWN CLERK

# TOWN OF BOSTON



## TOWN OF BOSTON RESOLUTION 1999-5

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, on the 3rd day of March, 1999 at 7:30 p.m., there were:

<b>PRESENT:</b>	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Stephen K. Tills	Councilman
	Karl J. Simmeth	Councilman
	Dennis J. Mead	Councilman

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

**WHEREAS**, the Town of Boston is honored to have a young man from Boy Scout Troop #491 who has attained the rank of Eagle Scout, and

**WHEREAS**, this nation has a great need for distinguished young people with leadership qualities who volunteer for public service, and

**WHEREAS**, one of the Eagle projects completed by this young man was traveling to the Watertown, New York area with several other scouts and leaders to assist in the clean up after their devastating January 1998 ice storm, and

**WHEREAS**, his accomplishments are many: at Springville G.I. High School he is active in many activities - soccer, chorus, concert and marching bands and school plays; at the town level he is on the soccer and baseball leagues; his other interests include skiing and playing both the piano and organ, and

**WHEREAS**, his accomplishments are not only a credit to him, but also to his parents, his Scout leaders and other members of Troop 491, and,

**WHEREAS**, Councilman Wiktor had the pleasure of presenting a Proclamation from the Town of Boston at a Court of Honor held on February 6, 1999.

**NOW, THEREFORE, BE IT RESOLVED**, that the entire Town Board of the Town of Boston, on behalf of the residents of our community, offers heartiest congratulations to

### SCOTT HELMBRECHT

on his attainment of the rank of Eagle Scout.

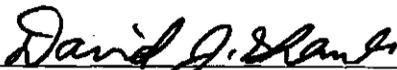
Resolution was seconded by Councilman Mead and put to a vote, as follows:

Supervisor Rood	Voting	<u>Aye</u>
Councilman Wiktor	Voting	<u>Aye</u>
Councilman Tills	Voting	<u>Aye</u>
Councilman Simmeth	Voting	<u>Aye</u>
Councilman Mead	Voting	<u>Aye</u>

Ayes: 5

Noes: 0

Carried

  
David J. Shenk, Town Clerk

# TOWN OF BOSTON



## TOWN OF BOSTON RESOLUTION 1999-6

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, on the 3rd day of March, 1999 at 7:30 p.m., there were:

<b>PRESENT:</b>	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Stephen K. Tills	Councilman
	Karl J. Simmeth	Councilman
	Dennis J. Mead	Councilman

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

**WHEREAS**, the Town of Boston is honored to have a young man from Boy Scout Troop #491 who has attained the rank of Eagle Scout, and

**WHEREAS**, this nation has a great need for distinguished young people with leadership qualities who volunteer for public service, and

**WHEREAS**, one of the Eagle projects completed by this young man was working with other Scouts to clean the walkway and repair the pedestrian bridge along Eighteen Mile Creek at the westerly boundary of the Boston Town Park, and

**WHEREAS**, he played in the Town of Boston Baseball and Soccer leagues; was a member of the Latin Club at Hamburg High School, where he graduated in 1998 and is now attending the University of Buffalo, majoring in anthropology, and

**WHEREAS**, his accomplishments are not only a credit to him, but also to his parents, his Scout leaders and other members of Troop 491, who assisted him and encouraged him in his goals, and

**WHEREAS**, Supervisor Rood had the pleasure of presenting a Proclamation from the Town of Boston at a Court of Honor held on February 28, 1999.

**NOW, THEREFORE, BE IT RESOLVED**, that the entire Town Board of the Town of Boston, on behalf of the residents of our community, offers heartiest congratulations to

### SCOTT M. BURROUGHS

on his attainment of the rank of Eagle Scout, knowing that he will serve as a fine example to other young people.

Resolution was seconded by Councilman Simmeth and put to a vote, as follows:

Supervisor Rood	Voting	<u>  Aye  </u>
Councilman Wiktor	Voting	<u>  Aye  </u>
Councilman Tills	Voting	<u>  Aye  </u>
Councilman Simmeth	Voting	<u>  Aye  </u>
Councilman Mead	Voting	<u>  Aye  </u>

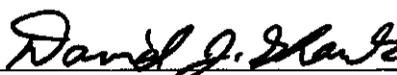
Ayes:

5

Noes:

0

Carried

  
David J. Shenk, Town Clerk

REGULAR BOARD MEETING  
MARCH 3, 1999

TOWN HALL  
7:30 P.M.

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

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adopt the minutes of the February 17, 1999 monthly meeting.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #3, dated March 3, 1999 in the amount of \$48,830.30 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills, upon review by the Town Board, that the Highway Bills on Abstract #3, dated February 3, 1999, amount of \$6,484.85 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk's Report for February 1999.

five (5) Ayes Carried

Received and filed Resolution 99-03 from the Town of Colden regarding the State Budget CHIPS Appropriation Cuts.

RESOLUTION 1999-05 SCOTT HELMBRECHT-ATTAINMENT OF EAGLE SCOUT RANK

RESOLUTION 1999-06 SCOTT BURROUGHS -ATTAINMENT OF EAGLE SCOUT RANK

Received and filed letter of resignation from Allyn C. Foster from the Conservation Advisory Council. Term expired on March 1, 1999.

Supervisor Rood directed Town Clerk Sherk to send Mr. Foster a letter thanking him for his service on the Conservation Advisory Council Board and requested that the press note that a three (3) year term for a Conservation Advisory Council Member is available.

Received and filed a letter from Christopher Bifaro, Conservation Advisory Council Chairman, requesting Town Board permission to enter into a fish release program sponsored by the NYS DEC. The prerequisites are for the town to own one (1) mile of water and/or shoreline and that it is open to the public.

Christopher Bifaro, CAC Chairman, commented that he was informed that the DEC would probably be willing to overlook the fact that the town only had thirty seven hundred (3,700) feet of creek frontage. He noted that the Town of Boston was a participant in a fish release program years ago and there are no records as to why the program was stopped. Mr. Bifaro stated that the CAC would donate trash receptacles and he has researched prices but to begin this program the Town Board must request that the DEC conduct a search to determine if the site is suitable. Mr. Bifaro concluded that he thinks this would be a great way for Boston to take advantage of it's natural resources and would like the town to consider it by the next Town Board meeting so that the DEC can schedule water testing by June.

Supervisor Rood inquired as to how many other towns participate in this program, what kind of problems they encounter and how many people actually fish at these sites.

REGULAR BOARD MEETING  
MARCH 3, 1999

TOWN HALL  
7:30 P.M.

Gary Huber, CAC member, commented that the Erie County Sportsman Federation joined NYS to persuade the DEC to install an access road at the Harlem Road site in West Seneca for a stocking program. He noted that there are problems with trash and volunteers from the Erie County Sportsman Federation police the area and pick-up the trash. It has been an excellent pool and there is always two or three cars there. Mr. Huber thinks that this is a good program in which to bring the kids back to the environment.

Supervisor Rood voiced concern over the impact on the park during April and May, the heaviest months for fishing, in respect to garbage, wear and tear and the limited parking available when the town sport teams are playing.

Councilman Wiktor inquired if this program would present any liabilities to the town.

Town Attorney responded that there would be no more additional liabilities beyond which the town already has.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to table the Conservation Advisory Council request for the Town of Boston to enter into a fish release program sponsored by the NYS DEC.

five (5) Ayes

Carried

Received and filed a request from Wohlhueter residents Susan Smart, Robert and Jeanette Hoppy and Vincent and Michelle Cooley to be included in Phase I of Water District No. 3.

Town Attorney Perley commented that in his opinion it would be unwise to entertain any additional applications for Water District No. 3 water service at this time because the financing is fixed and it would require the process to start all over again. Once the application is approved and the project is bid, additional requests can be considered.

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor, on the recommendation of Recreation Director O'Brien to appoint the following to the Summer Recreation Program, term effective immediately and to expire on August 30, 1999:

NAME	TITLE	SALARY PER HR.
Christine Bubar	Site Supervisor	7.60
Julie Ehlers	Recreation Attendant	5.45
Laura Hilfiker	Arts & Crafts Supervisor	6.10
Gene Partridge	Recreation Attendant	5.25
Aron Pavlovic	Recreation Attendant	5.35
John Politowski	Ass't Site Supervisor	7.10
Andy Smith	Recreation Attendant	5.35

five (5) Ayes

Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to grant the Welcome Wagon use of the property in front of the Boston Town Hall, restrooms and the water spigot for the Annual Plant Sale on May 22, 1999 from 7:00 a.m. to 4:00 p.m.

five (5) Ayes

Carried

Supervisor Rood commented that residents have expressed an interest in renaming that portion of Polish Hill Road, from Back Creek Road to the 219 Expressway, Hillcroft Drive. It would be less confusing from an emergency vehicle standpoint as well as delivery services.

RESOLUTION 1999-07 RE-NAMING A PORTION OF POLISH HILL ROAD

**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

**NUMBER 1999-7**

**A Resolution Re-naming a portion of Polish Hill Road in the Town of Boston, New York**

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of March, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	<b>Lisa M. Rood</b>	<b>Supervisor</b>
	<b>Dennis Mead</b>	<b>Councilman</b>
	<b>Karl Simmeth</b>	<b>Councilman</b>
	<b>Steven Tills</b>	<b>Councilman</b>
	<b>Damian P. Wiktor</b>	<b>Councilman</b>

Absent:

**Supervisor Rood presented the following Resolution and moved its adoption:**

**WHEREAS** Section 64 of the Town Law provides that a Town Board may designate and/or name streets or roads within the Town of Boston.

**NOW THEREFORE BE IT RESOLVED** that the portion of Polish Hill Road beginning at the intersection of Polish Hill Road, Back Creek Road and Hillcroft Drive in the Town of Boston and running westerly to the eastern boundary of the right-of-way of Route 219 be and the same is hereby re-named Hillcroft Drive, and be it further

**RESOLVED** that the portion of Hillcroft Drive beginning at the westerly boundary of the right of way of Boston State Road (also known as Boston-Springville Road) and running westerly to the easterly right of way of Back Creek Road, which portion is sometimes referred to or designated as West Hillcroft Drive or W. Hillcroft Drive, be named and designated as Hillcroft Drive; and be it further

**RESOLVED** that the Town Clerk be and he is hereby directed to notify all appropriate agencies of the subject matter of this Resolution.

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

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

AYES: 5      NOES: 0      ABSENT: 0

*David J. Sherk*  
David J. Sherk-Town Clerk

REGULAR BOARD MEETING  
MARCH 3, 1999

TOWN HALL  
7:30 P.M.

At 8:00 p.m. a Public Hearing was held for the purpose of hearing public comments on proposed Local Law # 1-1999 to permit the appointment of alternate members to the Planning Board and Zoning Board of Appeals.

Supervisor Rood read the legal notice.

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

five (5) Ayes Carried

Supervisor Rood: When a Zoning Board or Planning Board meets and a member has a conflict of interest and must abstain from voting or is ill, a person appointed as an alternate member could come to all the meetings, know exactly what is going on and be able to sit down and produce the quorum that is needed for a vote.

Christopher Bifaro, CAC Chairman: How many alternates would you appoint? Would you appoint an alternate for each member of the Board or would you appoint two or three for the entire Board?

Supervisor Rood: I would say probably two (2) for each Board.

Councilman Wiktor: We could probably start out with one (1) for each Board and then if need be go to two (2). I think it would be cumbersome to have any more than that.

Councilman Mead: At the last Planning Board meeting the members thought appointing alternate members was a great idea.

Charlene Burroughs, 6887 Pin Oak Drive: With the alternate, is their input taken into consideration every time they meet or just when there is someone absent that night?

Town Attorney Perley: The rule is that when the Planning Board holds a meeting, unless it holds a Public Hearing, no one from the public would be allowed to speak or make a presentation. That would include people that would not be active as members. The alternate members, were they there, and the rule strictly adhered to, they would not be able to speak. The rules are not always strictly adhered to. The people who are there will usually have an opportunity to make a comment. They are not entitled to but they usually do. That is just a matter of the practice as opposed as to what the rule is. Town Attorney Perley was contacted by the attorney for the Zoning Board of Appeals who thought that this was a good idea because they have had some difficulty filling a full house for their variance applications.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to close the Public Hearing at 8:14 p.m.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adopt Local Law No. 1 of 1999 to permit the appointment of alternate members to the Planning Board and Zoning Board of Appeals.

five (5) Ayes Carried

### Legal Notice Town of Boston Notice of Public Hearing

NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Boston, Erie County, New York, Proposed Local Law Number 1 of the year 1999, entitled a Local Law to Permit the Appointment of Alternate Members to the Planning Board & Zoning Board of Appeals. Said amendment is intended to permit the appointment of alternate Planning Board and Zoning Board of Appeals members and set their terms and functions.

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, March 3, 1999 at 8:00 p.m., Prevailing Time, at which time all interested persons will be heard.

Dated: February 12, 1999  
By Order of the Town Board  
David J. Shenk, Town Clerk  
1w 2/18/99

REGULAR BOARD MEETING  
MARCH 3, 1999

TOWN HALL  
7:30 P.M.

Received a request from Assemblyman Smith for support of Bill #A3845 to reduce the amount for which municipalities are responsible in the relocation of public utility lines during county or state highway construction, reconstruction or improvement.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to send a letter of support to Assemblyman Smith for support of Bill #A3845.

five (5) Ayes

Carried

#### SUPERVISOR REPORT

A) Supervisor's monthly report for December 1998 was received and is on file in the Clerk's Office.

Supervisor Rood noted that at the next Town Board meeting the Supervisor's Final Annual report will be available for perusal

Supervisor Rood reported that resolutions presented at the NY Association of Towns Conference where 328 towns were represented included one on property tax exemptions which would define a uniform approach to the taxable status state to address the influx of legislation which requires local assessors to work on a year round calendar. This is because there are many different exemptions that come into play from veterans, senior citizens etc. which come in at different times of the year forcing the assessor to try and catch up the rest of the year. Another resolution was sharing the state revenues with local government. It would make revenue sharing a integral part of New York's effort to reduce property taxes and ensure that there is stability in the funding and predictability because municipalities never know from one year to the next if our state funding is going to be cut. This makes it very difficult to write a budget. Regarding telecommunications, further legislation would be opposed that would tie the hands of local governments, or that preempted state or federal rights. Another resolution amended a general municipal law to permit the establishment of user charges by our emergency rescue or first aid squads. Presently the town does not charge for these services. If the person has insurance, their insurance company would be billed but if the person did not have insurance they would not be billed. This would take the burden off the town taxpayers and would fund the emergency squad. Another resolution addresses a mandate to have the Legislature and Governor review the existing training requirements for fireman because they are required to dedicate an extensive amount of hours to training. OSHA laws and their requirements need to be reviewed also. A Resolution addressed increasing the Sporting License fees that are able to be retained by the municipalities from \$1.00 to \$3.00 per license. Supervisor Rood noted that the NYS Association of Towns Seminars are an excellent learning experience and allows for networking with representatives from other towns.

#### TOWN CLERK REPORT

Town Clerk Shenk announced that the 1999 Town and County taxes are due on Monday, March 15th. The Town Clerk's office will be open on Thursday and Friday, March 11th and 12th until 8:00 p.m. and on Monday the 15th until 9:00 p.m.

Town Clerk Shenk reported that on Friday, February 26th, he and Supervisor Rood met with the veteran organizations in town regarding the Memorial Day services and activities set for Monday, May 31, 1999.

REGULAR BOARD MEETING  
MARCH 3, 1999

TOWN HALL  
7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski announced that the 1999 brush pick-up dates will be April 21st, May 17th, September 20th and October 18th until completed. Flyers will be distributed town wide in pennysaver boxes.

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

five (5) Ayes

Carried

Supervisor Rood noted that mulch is available to residents.

Highway Superintendent Ruchalski commented that if residents wanted mulch delivered they should call him to be put on a list.

Highway Superintendent Ruchalski announced that the new 1999 International Truck has been delivered. Everyone is invited to visit the Highway Garage to see the truck and should be proud of the highway equipment in the Town of Boston.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that Deputy Code Enforcement Officer Lisowski inspected the Dzierzanowski property at 6710 Mill Street and the Town Prosecutor will be contacted to reinstate the current charges.

Town Attorney Perley noted that bills submitted to the town from Mr. Johnson, RF Consultant, should be sent to Frontier Cellular for payment.

COUNCILMAN REPORT

Councilman Mead announced that the Boston Hillfest Spaghetti Dinner is Sunday, March 7, 1999 from 3:00 p.m. to 7:00 p.m. at the Boston Town Hall.

Councilman Mead reported that on February 23, 1999 he attended the Planning Board meeting and the Tomasello site plan review was tabled until more information is received.

Councilman Mead reported that on February 22, 1999, he and Councilman Wiktor attended the Southtowns Planning and Development Group meeting at the Boston Hotel. One item discussed was torte reform; the General Obligations Law; Private Landowner Recreation Liability which was also discussed at the Association of Towns Conference. Also addressed was the status of the B & P Railroad Corridor for the southtowns. The feeling is to utilize the railroad and not lose it. The proposed 219 extension was also discussed and appears to be going forward favorably. The issue of the master plan zoning development proposals, which we are still working on, were discussed.

Councilman Tills inquired if the regionalism master plan is still being discussed.

Councilman Wiktor responded that because the Erie County Department of Environment and Planning is involved in more of the local planning updates there is more of a regional look.

Councilman Wiktor noted that one of the other big discussions of the Southtowns Planning and Development Group was the year 2000 census. This is important because many of our funding and programs are based on census numbers. Street maps will be brought up to date.

REGULAR BOARD MEETING  
MARCH 3, 1999

TOWN HALL  
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Supervisor Rood commented that our maps have already been sent in and the census takers will be out in the end of March making sure the residences are where they should be.

Councilman Wiktor reminded the Town Board members that the visit to the Patchin Fire Hall is Saturday, March 6, 1999 at 10:00 a.m.

Councilman Wiktor reported that at the Association of Towns Conference it was announced that in the year 2000, the NYS Department of Emergency Services will offer a new training schedule for all volunteers and they will need to be recertified. The time restraints for this recertification are going to be extremely demanding. The emphasis is to not reduce the training but to reduce the requirements for the new training system.

Councilman Wiktor reported he received a letter of complaint from the Emergency Squad regarding a build up of ice over the side doorway and a suggestion to install an awning or canopy to correct the problem. Councilman Wiktor will speak to Town Hall laborer Leo Jensen regarding this problem and the removal of snow around the doorways. In the event of an emergency that is the only exit out.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize Councilmen Wiktor, Mead and Simmeth to attend a Telecommunication Conference on March 18, 1999 at the Erie County Farm Extension Service Building in East Aurora at a cost of \$10.00 per person.

five (5) Ayes

Carried

Councilman Simmeth reported that he wrote a letter to Senator Volker regarding complaints he has received from residents on Lower East Hill Road because of numerous automobile accidents caused by deer. Senator Volker contacted the Regional Traffic Engineer and requested that deer crossing signs be installed in the area.

Councilman Simmeth noted that he is working on a concern reported by a resident last year of cars speeding in the area of Boston Cross and Boston State Roads, particularly when the Recreation Program children are walking from St. John's school to the Boston Playground. Earl Dubin, Erie County Traffic Engineer has stated that the county will take the pedestrian signs from the old school on Boston State Road, which serves no purpose, and donate them to the town. Highway Superintendent Ruchalski sees no problem with installing the signs on Boston Cross Road and painting a cross walk on the pavement. That will be worked on before the Recreation Program begins. Earl Dubin will advise where the signs and the crosswalks should be installed.

Councilman Tills commented that he missed the NY Association of Towns Conference in NY City due to illness and is pursuing reimbursement of his expenses from the hotel and airlines on the points of a law which address the issue of impossibility and legal contract, meaning if something is impossible, it negates your obligation.

Councilman Tills reported that he attempting to organize an "over 30 Co-Ed Soccer League" and will meet with Recreation Director O'Brien to determine if there is any interest.

Councilman Tills will check with the local churches and fire companies to determine if they can accommodate the need for parking spaces during the Hillfest event.

Councilman Tills congratulated Town Attorney Perley on being named as a director of the Western New York Trial Lawyers Association. It is an honor of the local bar.

REGULAR BOARD MEETING  
MARCH 3, 1999

TOWN HALL  
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Town Attorney Perley responded that those who know him know that outside of town his primary interest in practice is in litigation and he is honored and looks forward to serving.

CODE ENFORCEMENT OFFICERS REPORT

- A) Code Enforcement Officers monthly report for February 1999 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

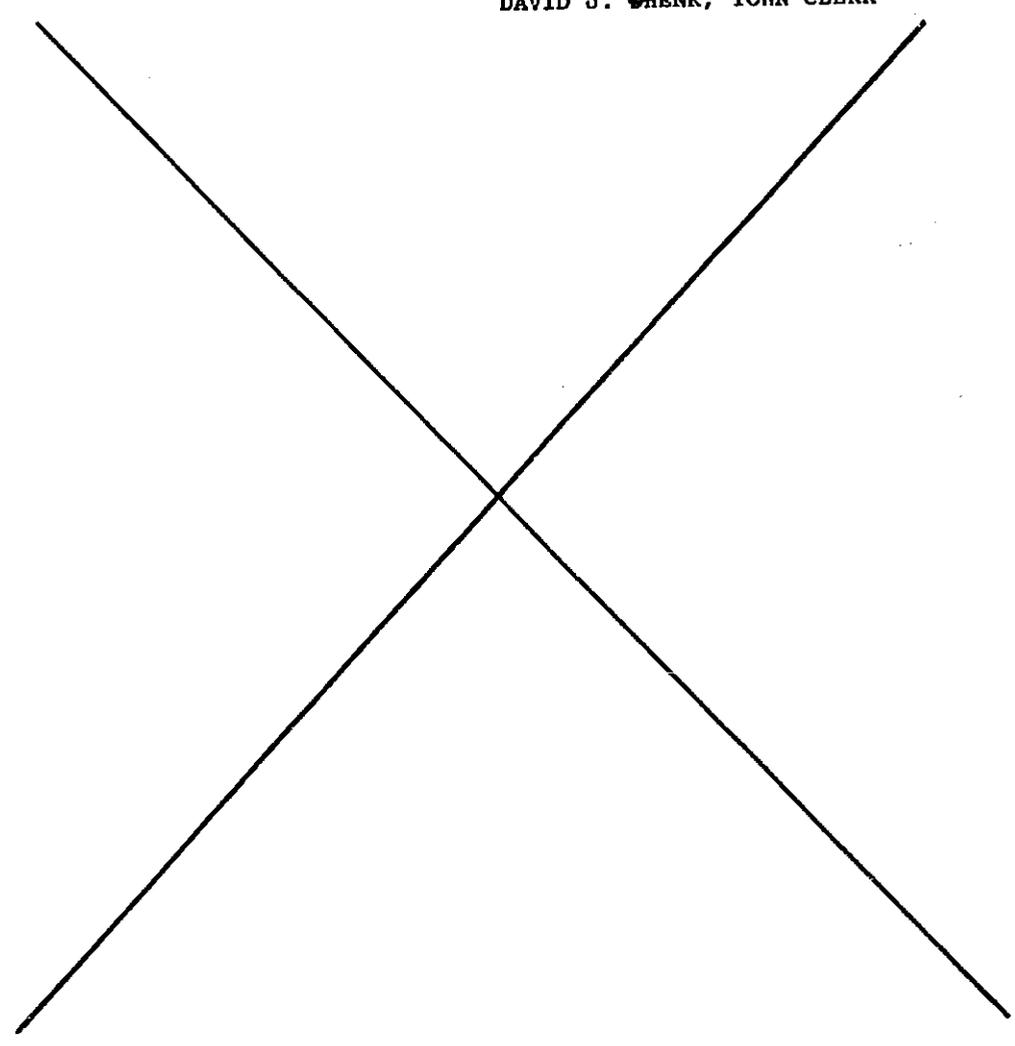
- A) Dog Control Officer monthly report for February 1999 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

- A) Town Engineer's monthly report for February 1999 was received and is on file in the Clerk's Office.

A motion was made by Councilman Tills and seconded by Councilman Mead to adjourn the meeting at 8:50 p.m.

*David J. Chenk*  
 \_\_\_\_\_  
 DAVID J. CHENK, TOWN CLERK



REGULAR BOARD MEETING  
MARCH 17, 1999

TOWN HALL  
7:30 P.M.

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

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the March 3, 1999 monthly meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #3A, dated March 17, 1999 in the amount of \$139,905.31 be paid.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #3A, dated March 17, 1999, amount of \$12,707.15 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff's report for February 1999.

Received and filed notification from the Erie County Department of Environment and Planning of a Local Planning Initiative Program Grant Award, recommended by Erie County Executive Gorski, to the Erie County Legislature, for the Town of Boston, amount of \$22,562.

Received and filed a letter of appreciation from Robert Buyer, 6426 West Tillen Road on the Boston Highway Dept. work performance.

Received and filed Resolution 99-03 from the Town of Colden regarding the State Budget Proposed Cuts for CHIPS Program.

**RESOLUTION 1999 - 07 - A PRESERVATION OF CHIPS FUNDING**

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to appoint Audrey Frank and Dominic Tomasello as Fire Police for the North Boston Volunteer Fire Company until such time as resignation, removal or replacement.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to grant \$450.00 to AMVETS Boston Post #219, to offset expenses for the Memorial Day services on Monday, May 31, 1999.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to grant \$300.00 to VFW Post #2556, to offset expenses for the Memorial Day services on Monday, May 31, 1999.

five (5) Ayes Carried

**RESOLUTION 1999 - 08 WATER DISTRICT NO. 3 SUBMISSION TO NYS AUDIT AND CONTROL**

A motion was made by Supervisor Rood and seconded by Councilman Mead to schedule the bid opening for the Recreation Ski Program Yellow Bus Service for April 14, 1999 at 10:00 a.m.

five (5) Ayes Carried



**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

NUMBER 1999-8.

**WATER DISTRICT NO. 3 SUBMISSION TO NYS AUDIT AND CONTROL**

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 17th day of March, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

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

Supervisor  
Councilman  
Councilman  
Councilman  
Councilman

Absent:

Councilman Wiktor presented the following Resolution and moved its adoption:

**BE IT RESOLVED** that the Town Board of the Town of Boston hereby authorizes the Supervisor to execute the Application to the Office of the New York State Comptroller to approve the formation of Water District No. 3 in the form as presented to the Board by the Town Attorney.

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

Supervisor Rood  
Councilman Mead  
Councilman Simmeth  
Councilman Tills  
Councilman Wiktor

Voting: Aye  
Voting: Aye  
Voting: Aye  
Voting: Aye  
Voting: Aye

AYES: 5

NOES: 0

ABSENT: 0

*David J. Shenk*  
David J. Shenk - Town Clerk

**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

NUMBER 1999 - 09

**A Resolution Ordering the Demolition of 5829 Herman Hill Road**

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 17<sup>th</sup> day of March, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	<b>Lisa M. Rood</b>	<b>Supervisor</b>
	<b>Dennis J. Mead</b>	<b>Councilman</b>
	<b>Karl J. Simmeth, Jr.</b>	<b>Councilman</b>
	<b>Steven K. Tills</b>	<b>Councilman</b>
	<b>Damian P. Wiktor</b>	<b>Councilman</b>

Absent:

Supervisor Rood presented the following Resolution and moved its adoption:

BE IT RESOLVED and ordered by the Town Board of the Town of Boston that the premises locally known as 5829 Herman Hill Road be demolished by a contractor selected by the Town Board of the Town of Boston; and be it further

RESOLVED and ordered that the Town Clerk of the Town of Boston is hereby authorized to advertise for bids for the said demolition of 5829 Herman Hill Road to be opened on April 14, 1999 at 10:15 a.m.

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

<b>Supervisor Rood</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Mead</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Simmeth</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Tills</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Wiktor</b>	<b>Voting:</b>	<b>Aye</b>

AYES: 5

NOES: 0

ABSENT: 0

*David J. Shuk*  
David J. Shuk-Town Clerk

REGULAR BOARD MEETING  
MARCH 17, 1999

TOWN HALL  
7:30 P.M.

SUPERVISOR REPORT

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Supervisor's 1998 Annual Report.

five (5) Ayes

Carried

A) Supervisor Monthly January 1999 Report and February 1999 Bank Account Report was received and is on file in Clerk's Office.

Supervisor Rood reported that the town will utilize the Collins Correctional Facility Inmate Work Program again this year (at no cost to the town) to repair the Nature/Town Park Trail System.

Supervisor Rood reported that a Public Hearing was held at the Agenda Review meeting at 6:00 p.m. this evening regarding complaints of an unsafe structure at 5829 Herman Hill Road owned by Richard Dillsworth Jr., 265 N. Bellview Pl., Indianapolis, Indiana. Deputy Code Enforcement Officer Lisowski inspected the property and submitted a report recommending demolition due to the unsafe condition of the property. The out of town owner of the property has abandoned it and the property will be up for sale in June due to back taxes.

RESOLUTION 1999 09                      ORDER TO DEMOLISH 5829 HERMAN HILL ROAD

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to direct the Town Clerk to advertise for bids for the demolition of 5829 Herman Hill Road and schedule the bid opening for April 14, 1999 at 10:15 a.m.

five (5) Ayes

Carried

TOWN CLERK REPORT

Town Clerk Shenk introduced Arthur Miller, an Orchard Park student who has been interning in the Town Clerk's office.

TOWN ATTORNEY

Town Attorney Perley reported that he contacted Adelphia Cable as requested by Supervisor Rood regarding current cable rates in the Town of Boston and was informed that the Town of Boston rates are identical to all the other towns in the areas that are rebuilt.

Town Attorney Perley received communication concerning authorization for the North Boston Fire Company to receive a municipal rate through the Town of Boston, to borrow funds to purchase a truck.

COUNCILMAN REPORT

Councilman Mead reported that at the March 9, 1999 Planning Board meeting he addressed a Patchin Fire Company concern that new builds be required to provide adequate driveway access and visible house numbers for emergency vehicles.

Councilman Mead noted the Hillfest Spaghetti dinner on March 7, 1999 was a great success.

Councilman Mead announced that everyone is invited to attend the Boston Chamber of Commerce Spring Mixer sponsored by Evans Bank, at the Boston Garden Restaurant, March 25, 1999, 5:00 to 7:00 p.m. to promote new membership.

Supervisor Rood thanked Councilman Wiktor for scheduling the Town Board fire company tours which were very enlightening.

REGULAR BOARD MEETING  
MARCH 17, 1999

TOWN HALL  
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor thanked the officers of the Patchin Fire Company for meeting with the Town Board and announced that the next tour will be to the Boston Fire Company.

Councilman Wiktor noted that the issue of visible house numbers for emergency vehicles, especially in rural areas, was also discussed at the Southtowns Planning Group meeting. Councilman Wiktor submitted copies to the Town Board of a proposal for a Local Law that he and Councilman Mead drafted for the numbering of houses.

Councilman Wiktor attended a Youth Advisory Board meeting on March 13, 1999 and openings are still available on the baseball and girls softball teams. Eighty-six (86) children who participated in the ski program have been given permission by Kissing Bridge to ski free for the remainder of the season. Three hundred and four (304) children are participating in the soccer program.

Councilman Wiktor reported that he and Councilman Simmeth attended a Arterial Management Workshop sponsored by the Town of Hamburg and the NYS DOT. The issues of having an optimum distance of 400 feet between driveways, encouraging joint and cross access roads on major highways and installing noise buffers were discussed. Studies have shown that the number of accidents increase as the number of roads and driveways cut into a highway.

Councilman Simmeth noted that as in North Boston, in a quarter mile stretch of a two (2) lane road with seven (7) two-way driveways at 200 feet intervals, in a vehicle traveling at forty (40) mph the driver will make a decision to slow down, stop or accelerate every eight (8) tenths of a second. Councilman Simmeth suggested that the Planning Board take a good look at this issue in the event there is more development in the North Boston area.

Councilman Simmeth reported that he attended a NEST meeting in Orchard Park on March 11, 1998. An application for a \$26,000 Federal Grant has been submitted for a feasibility study on constructing a yard waste composting facility in a NEST community. The NEST committee awarded the solid waste contract to CID.

Councilman Simmeth announced that the Town of Boston Earth Day is April 24, 1999 at the Town Hall from 9:00 a.m. to 1:00 p.m. There will be a tire drop-off (two tires per resident, no rims), soil testing and an Erie County Thermometer Exchange where mercury thermometers can be exchanged for a mercury free oral alternative. Master Gardener Mary Alice Tock will test soil from noon until 2:00 p.m. The Highway Department is distributing the Earth Day flyers along with the Brush Schedule throughout town.

At 8:00 a Public Hearing was held for the purpose of hearing public comments on proposed Local Law # 2 of the Year 1999, entitled a Local Law to amend Local Law #6 of the Year 1990. Said amendment is intended to modify the parking requirements on commercial properties.

Supervisor Rood read the legal notice.

**LEGAL NOTICE**  
**TOWN OF BOSTON**  
**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that there has been presented to the Town Board of the Town of Boston, Erie County, New York, Proposed Local Law Number 2 of the year 1999, entitled a Local Law to amend Local Law #6 of the year 1990. Said amendment is intended to modify the parking requirements on commercial properties.  
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, March 17, 1999 at 8:00 p.m., Prevailing Time, at which time all interested persons will be heard.  
Dated: February 24, 1999  
Published: March 4, 1999  
BY ORDER OF THE TOWN BOARD  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
MARCH 17, 1999

TOWN HALL  
7:30 P.M.

39

PUBLIC HEARING (CONT.)

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

five (5) Ayes

Carried

Supervisor Rood: This law entails placing parking lots behind the existing buildings that are being developed into commercial properties in order to encourage green space and maintain the rural character of the town. The Local Law requests that preference be given to parking in the back and would require following the drainage, set back provisions, adverse impact on existing residences and all other normal considerations for installing a parking lot.

Supervisor Rood read a letter from Chris Bifaro, Conservation Advisory Council Chairman, requesting that proceedings be initiated for an ordinance pertaining to rear parking for all new commercial projects.

Chris Bifaro, Conservation Advisory Council Chairman: The CAC is hoping that this would address all new commercial buildings. Obviously if someone buys the Barrett building we are not going to require that they move the parking lot. You will receive letters from members of the Conservation Advisory Council and residents who are looking for a law to address all commercial properties.

Pearl Emerling, 9824 Trevett Road: My husband Maurice is strongly against this because he feels that the Planning Board and the Town Board has control over these things and why do we need a law for it? Is that true that the Planning Board would have to approve a building and insist upon certain landscaping and things like that?

Town Attorney Perley: The answer to your question is yes. When an applicant comes in on a conversion, it is good to have stated in the law what the preferences are when they apply. It was proposed as a preference because, especially with Boston's topography, to create a hard and fast rule could actually defeat the purpose that the Board was attempting to foster, which is to encourage where possible, parking in the rear. Remember on existing properties that have been developed before zoning, under old zoning laws where the set backs were shorter and if they were developed as residences, there is a preference to create a large back yard and a small front yard because in that way you have a place for your children to play where there is no traffic. In a conversion situation with an existing building, the idea is to send a message to somebody who is going to buy this development that we are going to look at parking away from the front to maintain the integrity of the residential area where possible. We've listed a series of considerations, where if circumstances dictate that it is not possible, in other words that it does more damage to the residential character, at least in the Planning Board's and the Town Board's opinion, to put the parking in the rear, you don't do it. At the same time when a developer or person comes in that wants to convert or buy a piece of property, it is good for us to tell him what we are thinking in advance.

Pearl Emerling: Take the post office, take for instance our property, there is already a parking lot in front but if another building goes in you would want them to have their parking in the back? Is that it?

Town Attorney perley: That is not the way the law reads. The law reads, "for conversion of existing buildings". We could always take a bare piece of property and move the building around on it because at that point we are dealing with paper. When you start with an existing building you do not have that luxury.

REGULAR BOARD MEETING  
MARCH 17, 1999

TOWN HALL  
7:30 P.M.

PUBLIC HEARING (CONT.)

Pearl Emerling: Is this parking in the back and not on the side?

Town Attorney Perley: The preference is toward the rear of the property.

Pearl Emerling: I think the thing that started this was the Brunner (Glad Your Hair) beauty shop. Is that right?

Town Attorney Perley: I wrote a law because I was asked to write a law by the Town Board.

Pearl Emerling: I know a ninety-one (91) year old lady who comes down from Springville and who goes to that beauty shop and she doesn't want to go around the back.

Town Attorney Perley: American With Disabilities Act and Acts similar to that create design considerations.

Pearl Emerling: We are opposed to this law.

Town Attorney Perley: These are design preferences. They are not hard and fast rules. Intelligent arguments can be made that some or all of the parking has to be in a certain location. Handicap parking is a prime consideration.

Pearl Emerling: When you go to a business don't you expect to pull up to the front door? You can still have landscaping.

Town Attorney Perley: Not as often as you think. Remember what was going on here with the arterials. If we are going to space out driveways, we can't park in the front. There are traffic considerations that go in along a main road such as Boston State Road. There are now design considerations in heavily and moderately traveled areas where you pull the cars off the road onto an access road and you use the frontage to create an access road and you park in the rear. You reach a point where you have to limit the number of accesses to a highway otherwise there will be a traffic light every four hundred (400) feet.

Pearl Emerling: If you are talking about safety, there is not safety in front of our dealership and the post office etc. All those businesses there and it is a 55 mph speed limit. I have expressed concern about that and there have been accidents and I have had near accidents myself. If you are talking about safety, work on that problem.

Town Attorney Perley: These are design considerations that go into how the towns are going to develop. Boston is especially tricky because you have a hill on the east side when you are on the State Road and you have a creek on the west side. These create difficulties in designing properties.

Pearl Emerling: I have a hypothetical situation. There is a place that hasn't been run as a business and now they want to have a business in there and there is not room for parking in the back and there was parking in the front. What happens to that situation?

Town Attorney Perley: It gets referred to the Planning Board with a site plan and beyond that I really can't comment because each one of these are site specific. The law doesn't create a rule it creates a preference.

Councilman Mead: Pearl, I think the key phrase that you are looking for is, that rear parking as related to non-residential uses "where feasible". In other words, it is not, "must be", it is, "where feasible".

REGULAR BOARD MEETING  
MARCH 17, 1999

41  
TOWN HALL  
7:30 P.M.

PUBLIC HEARING (CONT.)

Pearl Emerling: Why does it have to be a law if the Planning Board decides?

Supervisor Rood: So people who are planning to build something can look it up in our code books and know exactly what we are looking for before they start the design because doing the design is an expensive proposition. This can save them time, steps and money.

Councilman Mead: The issue brought before the Planning Board, the Conservation Advisory Council, and the Town Board was that everyone would like to see more green space in front of the buildings rather than blacktop down the State Road.

Pearl Emerling: Don't you require landscaping now?

Supervisor Rood: Yes, landscaping but not so much parking lot and green space. The Planning Board and the Conservation Advisory Council, two groups that we rely on heavily for their input into what laws are going to be made, have asked to retain the green space. The more buildings that are converted into commercial enterprises, the more pavement that is going in front of them. When you enter Boston and North Boston all you see is pavement. Most citizens want to retain the rural character of this town.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to close the Public Hearing at 8:15 p.m.

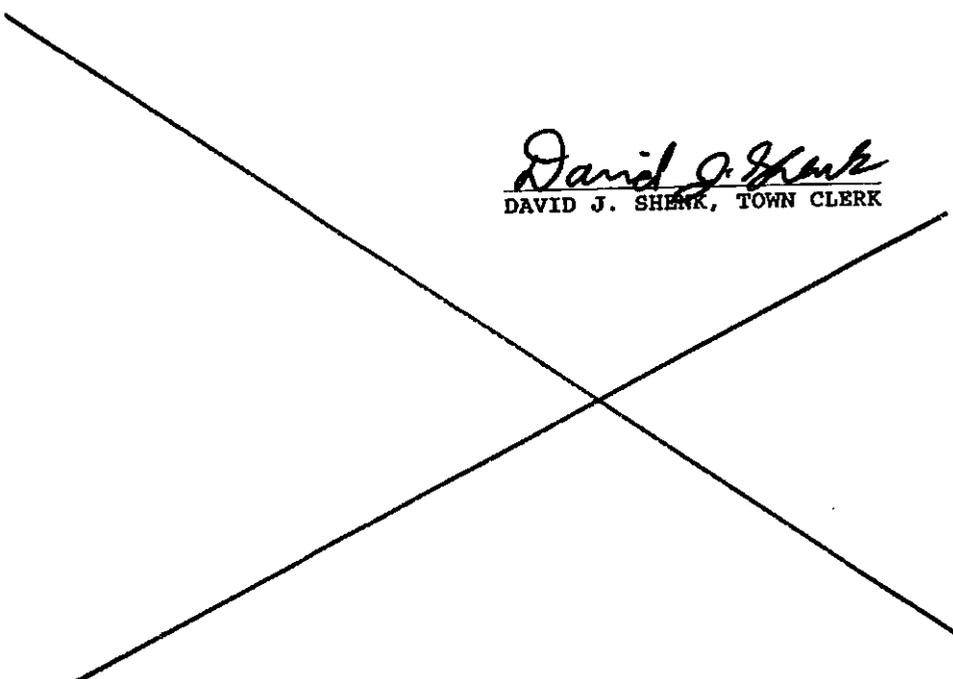
five (5) Ayes

Carried

COUNCILMAN REPORT (CONT.)

Councilman Tills noted that a concern expressed at the Patchin Fire Company tour regarded the OSHA regulations that apply to fire companies. It was questioned whether the stringent OSHA regulations ought to apply to all towns of unequal size because of the costs imposed on fire companies. The fire company requested authority to install emergency enclosures immediately after a fire.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:16 p.m.

  
*David J. Sherk*  
DAVID J. SHERK, TOWN CLERK

REGULAR BOARD MEETING  
APRIL 7, 1999

TOWN HALL  
7:30 P.M.

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

Absent: Highway Superintendent Eugene E. Ruchalski.

Also present was Highway Crew Chief Wayne Kreitzbender.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the March 17, 1999 Regular Town Board Meeting.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #4, dated April 7, 1999 in the amount of \$27,823.25 be paid.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #4, dated April 7, 1999 in the amount of \$35,900.89 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk Monthly Report for March 1999.

five (5) Ayes Carried

Received and filed a response from Senator Volker and Assemblymen Smith to the Town of Boston Resolution regarding cuts in the New York State CHIPS (Consolidated Highway Improvement Program) budget.

Received and filed notification of an application to NYS Liquor Authority for a liquor license from Patrick J. Kelleher, Captured Spirits, Inc., 6865 Boston Cross Road.

Received and filed a request from Congressman Jack Quinn to use the Boston Town Hall for the 1999 OUTREACH Program.

Received and filed the Erie County Water Authority Tariff Amendments, effective at 12:01 a.m. on April 14, 1999.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to approve a Conservation Advisory Council proposal for a change in meeting dates and times.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to reappoint Gary Huber to the Conservation Advisory Council, term to expire March 1, 2002.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to approve the appointment of Chris Bifaro as 1999 Chairman of the Conservation Advisory Council.

five (5) Ayes Carried

Supervisor Rood congratulated Chris Bifaro, noting that he does a fine job and thanked him for keeping the CAC rolling.

REGULAR BOARD MEETING  
APRIL 7, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize Supervisor Rood to sign a 1999 Lease and Depository Agreement with the Boston Free Library.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to reappoint John Pavlovic to the Zoning Board of Appeals, term to expire April 1, 2004.

five (5) Ayes Carried

Tabled a request for a seconded Accessory Building from Frank J. Antonucci, 7289 Lower East Hill Road.

Tabled a request for an outdoor flea market business from Raymond W. Miller, for 7174-7178 Boston State Road.

SUPERVISOR REPORT

A) Supervisor's monthly report for February 1999 was received and is on file in the Clerk's office.

Supervisor Rood reported that the checks from a Town of Boston Regional Grant Application will be presented by Erie County Executive Gorski, at a photo shoot, at the Boston Town Hall on April 8, 1999 at 4:00 p.m. The fire companies in the adjoining partnership towns and the highway department have been notified because the grants are for the purchase of an Air Cylinder Recharging System and the Vacuum Sweeper.

Supervisor Rood reported that the Boston Highway/Parks Department expects to complete installation of the bocce court for the senior citizens by the end of this week.

Supervisor Rood noted that the computer system in the Court Clerk's office has been updated and the replaced computer hardware has been placed in the community room for use by the senior citizens.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to approve attendance at the Southern Tier West Seminar at Houghton College, May 12, 1999 for Supervisor Rood, Highway Crew Chief Kreitzbender, Councilmen Mead and Simmeth and Deputy Town Attorney/Prosecutor Terrizzi, at a cost of \$25.00 per person.

five (5) Ayes Carried

TOWN CLERK REPORT

Received and filed County Tax Collections Report for March 1999.

Town Clerk Sherk reported that a request for proposals for microfilming the Building Department records will be sent out this week. A recommendation will be made at the next meeting to award the work.

Town Clerk Sherk announced that work on the Records Grant for the purging of court records began this week.

Town Clerk Sherk thanked everyone who worked very hard on the 1999 Town and County tax collection.

HIGHWAY SUPERINTENDENT REPORT

Highway Crew Chief Kreitzbender reported that the light pole near the expressway in North Boston that was down due to an accident has been replaced.

REGULAR BOARD MEETING  
APRIL 7, 1999

TOWN HALL  
7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT (CONT.)

Highway Crew Chief Kreitzbender reported that the town wide brush pick-up will begin on April 21, 1999.

Highway Crew Chief Kreitzbender noted that road repairs and road maintenance will begin the week of April 11th.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he as received preliminary information from the North Boston Fire Company regarding the seeking of a loan for the purchase of equipment with a municipal rate upon Town Board approval. The Town Board agreed to meet with North Boston Fire Company Representative, James Carr before the May 3, 1999 Agenda Review meeting to review the municipal rate request.

Town Attorney Perley reported that he received a Patchin Fire Company request for a flea market and will request that a plan be submitted for consideration.

COUNCILMAN REPORT

Councilman Mead reported that he attended a Nutrition Project Council meeting at the Richmond Summer Center in Buffalo and was honored to be elected as the Boston Representative for the Erie County Project Council.

Councilman Wiktor reconfirmed that the tour of the Boston Fire Company will be scheduled for April 15, 1999 at 7:00 p.m.

Councilman Wiktor reported that he attended the Patchin Fire Company Installation of Officers on March 20, 1999. Frank Yandura was selected as the Fireman of the Year. Richard Hayden, Sr. received 158 points for service during the course of the year and Rich Bethge was presented with the Outstanding Service Award.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to approve attendance for Councilman Wiktor at the Telecommunication Conference for Responsible Government for Town Planning and Zoning in East Aurora on April 22, 1999.

five (5) Ayes

Carried

Councilman Simmeth announced that Earth Day is April 24, 1999 from 9:00 a.m. to 1:00 p.m. There will be a tire drop-off, two (2) tires per resident, no rims, a thermometer exchange, and soil testing from 12:00 p.m to 2:00 p.m. The soil must be dry and dug down at least twelve inches for testing.

Councilman Simmeth noted that last year one hundred and five (105) earth machines were sold and this year forty-one (41) were sold.

CAC Chairman Chris Bifaro noted that there will be approximately ten (10) extra earth machines available on a first come basis for a cost of \$35.00 each.

Councilman Simmeth reported that he is still pursuing the installation of deer crossing signs on Lower East Hill Road.

Councilman Tills reported that on March 29, 1999 he attended the Land Conservation Seminar in Eden and a green print for the future and basic master plan issues were discussed. Councilman Tills will attend another Land Conservation Seminar in Eden on April 8, 1999.

REGULAR BOARD MEETING  
APRIL 7, 1999

TOWN HALL  
7:30 P.M.

CODE ENFORCEMENT OFFICER REPORT

- A) Code Enforcement Officer monthly report for March 1999 was received and is on file in the Clerk's Office.
- B) Deputy Code Enforcement Officer monthly report for March 1999 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

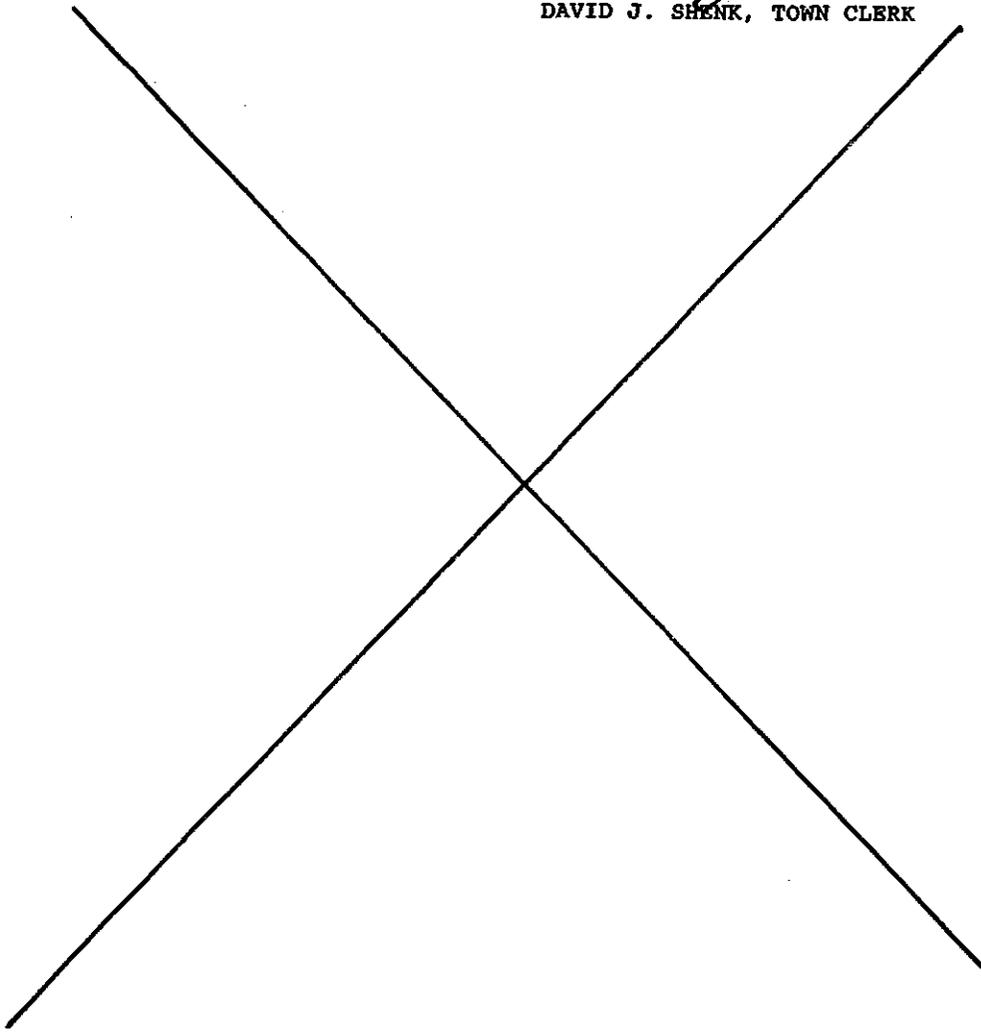
- A) Dog Control Officer monthly report for March 1999 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

- A) Town Engineer's monthly report for March 1999 was received and is on file in the Clerk's Office.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adjourn the meeting at 8:05 p.m.

  
DAVID J. SHENK, TOWN CLERK



REGULAR BOARD MEETING  
APRIL 21, 1999

TOWN HALL  
7:30 P.M.

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

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adopt the minutes of the April 7, 1999 monthly meeting.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Tills, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #4A, dated April 21, 1999 in the amount of \$56,945.00 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills, upon review by the Town Board, that the Highway Bills on Abstract #4A, dated April 21, 1999, amount of \$16,251.04 be paid.

five (5) Ayes Carried

Received and filed Resolutions from the Village of Blasdell and the Town of Orchard Park regarding the proposed cuts in the NYS CHIPS (Consolidated Highway Improvement Program) budget.

Received and filed notification from the Erie County Department of Environment and Planning that the term of Mary Alice Tock on the Erie County Environmental Management Council (ECEMC) will expire on May 31, 1999.

Supervisor Rood re-designated Mary Alice Tock to the Erie County Environmental Management Council for an additional two (2) year term to expire on May 31, 2001. Supervisor Rood commended Mary Alice Tock on doing an outstanding job representing the Town of Boston during 1997 and 1998.

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

Received and filed an Adelphia Cable review of the current Franchise Agreement.

Received and filed notification of a Town of Concord Public Hearing on Amendments to the Code of the Town of Concord.

Received and filed Erie County Sheriff's report for March 1999.

Received and filed a request dated February 26, 1999 from the Conservation Advisory Council for a Stocking Program for Eighteen Mile Creek.

Received and filed an offer of assistance from Assemblyman Smith to the Boston Conservation Advisory Council for a Stocking Program for Eighteen Mile Creek.

Received and filed a letter from Cary and June Goehler in opposition to the Conservation Advisory Council request for a Stocking Program for Eighteen Mile Creek.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to send a letter to the DEC Regional Fish Manager requesting that testing be done to determine suitability of the Eighteen Mile Creek for a Stocking Program.

five (5) Ayes Carried

See  
Abstracts  
Page 50

# TOWN OF BOSTON



## PROCLAMATION

**MUNICIPAL CLERKS' WEEK  
MAY 2 - MAY 8, 1999**

WHEREAS, the office of the Municipal Clerk, a time-honored and vital part of local government, exists throughout the world, and

WHEREAS, the office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS, the Municipal Clerk acts as the information center on functions of local government and community, and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the office of Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations, and

WHEREAS, it is most appropriate that we recognize the accomplishments of the office of Municipal Clerk.

NOW, THEREFORE, the Town Board of the Town of Boston recognizes the week of May 2 - May 8, 1999 as Municipal Clerks' Week and further extends appreciation to our Municipal Clerk, DAVID J. SHENK and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated: April 21, 1999

Lisa M. Rood  
Lisa M. Rood, Supervisor

REGULAR BOARD MEETING  
APRIL 21, 1999

TOWN HALL  
7:30 P.M.

**PROCLAMATION - MUNICIPAL CLERK'S WEEK MAY 2 - MAY 9, 1999**

On April 14, 1999 at 10:00 a.m. in the Town Clerk's office, the following bids for Yellow Bus Transportation Services for the Summer Recreation and Ski Programs for the Town of Boston were opened and read aloud in the Town Clerk's Office:

COMPANY	SUMMER PROGRAM	SKI
Laidlaw Transit	\$101	\$120
Fisher Bus Service	\$119	\$125

A motion was made by Councilman Simmeth and seconded by Councilman Tills, upon recommendation of Recreation Director O'Brien, to award the bid to Laidlaw Transit, Inc. for the Summer Recreation Program for \$101.00 and the Ski Program for \$120.00.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to authorize Supervisor Rood to renew the Grants Consultant Contract with J. O'Connell & Associates for \$15,600 from May 1, 1999 to April 30, 2000.

five (5) Ayes Carried

On April 14th at 10:15 a.m. in the Town Clerk's office, the following bids were received for the Demolition and Removal of the buildings at Tax Map # 211.10-1-66, 5829 Herman Hill Road:

COMPANY	PRICE
North Boston Construction	\$6,500.00
Eastwood Industries	\$3,888.00

A motion was made by Councilman Mead and seconded by Councilman Simmeth to award the bid for the Demolition and Removal of the buildings at Tax Map # 211.10-1-66, 5829 Herman Hill Road, to Eastwood Industries, at a cost of \$3,888.00, work to be completed by May 31, 1999.

five (5) Ayes Carried

Received and filed a Planning Board recommendation in favor of proposed Local Law #2, addressing an amendment of Section 123-112C to modify the parking requirements on commercial properties.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to adopt Local Law #2 of the Year 1999, to Amend Local Law 6-1990 known as the "Zoning Law of the Town of Boston".

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve a request from Frank J. Antonucci, 7289 Lower East Hill for a second accessory building.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to appoint Patchin Firefighter Norman Sequin as a Fire Policeman, term to commence immediately and to expire upon resignation, removal or replacement.

five (5) Ayes Carried

REGULAR BOARD MEETING  
APRIL 21, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Supervisor Rood and seconded by Councilman Tills to grant the Friends of Matthew Meckes permission to use the Lions Shelter on June 12 to June 14, 1999 for a Meckes Family Benefit, contingent on the filing of a Certificate of Insurance.

five (5) Ayes

Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to designate \$5,000 from Contingency Fund 1990.4 for the services of a Labor Negotiator due to an interest expressed by the Boston Highway Department to unionize.

five (5) Ayes

Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to grant Highway Crew Chief Kreitzbender permission to accept the offer of Mark Schichtel of Schichtel's Nursery, to donate several Pin Oak trees for the playground behind the Town Hall.

five (5) Ayes

Carried

The following bids were received for a grant from NY SARA for microfilming Building Department records:

Biel's Info. Tech. Rec Series#1 \$1.000/Image+\$12.00 per Duplicates  
(35mm)  
Rec Series#2 \$0.035/Image+\$10.80 per Duplicates  
(16mm)

Lason Info. Tech. Rec Series#1 \$0.6186/Image Including Duplicates  
(35mm)  
Rec Series#2 \$0.0348/Image Including Duplicates  
(16mm)

A motion was made by Supervisor Rood and seconded by Councilman Tills, on the recommendation of Town Clerk Shenk, to award Lason Information Technology the bid for the NY SARA Grant to microfilm Building Department Records.

five (5) Ayes

Carried

#### SUPERVISOR REPORT

A) Supervisor Monthly Bank Account Report for March 1999 was received and is on file in Clerk's Office.

Supervisor Rood reported that on April 16, 1999, Albany representatives from the FEMA program inspected the waterline restoration project and completed work done in the creek alongside the Hillcroft Drive Bridge last year. The Town of Boston was commended for their cooperation during the FEMA grant project and the fact that the project came in under budget.

#### TOWN ATTORNEY

Town Attorney Perley wished all the secretaries present a happy Secretaries Day.

Town Attorney Perley reported that in the event he is unable to attend future Board meetings due to the fact that he is in trial in Albany, Deputy Town Attorney Terrizzi will be briefed.

#### COUNCILMAN REPORT

Councilman Mead reported that Local Law #2 was discussed at great length during the April 13, 1999 Planning Board meeting.

REGULAR BOARD MEETING  
APRIL 21, 1999

TOWN HALL  
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor thanked the Board members for attending the three (3) site visits to the three (3) fire companies in town.

Councilman Wiktor noted that Ken Kloeber has proposed a conference on the SEQR process in conjunction with the towns of Boston, Concord, East Otto and Springville in the Springville Town Hall. Councilman Wiktor referred this proposal to Councilman Mead for consideration by the Planning Board members.

Councilman Simmeth reported that the Earth Day Events will be held on Saturday, April 24, 1999 from 9:00 a.m. to 1:00 p.m. at the Boston Town Park. There will be a tire drop-off, a thermometer exchange, earth machines for pick-up and soil testing.

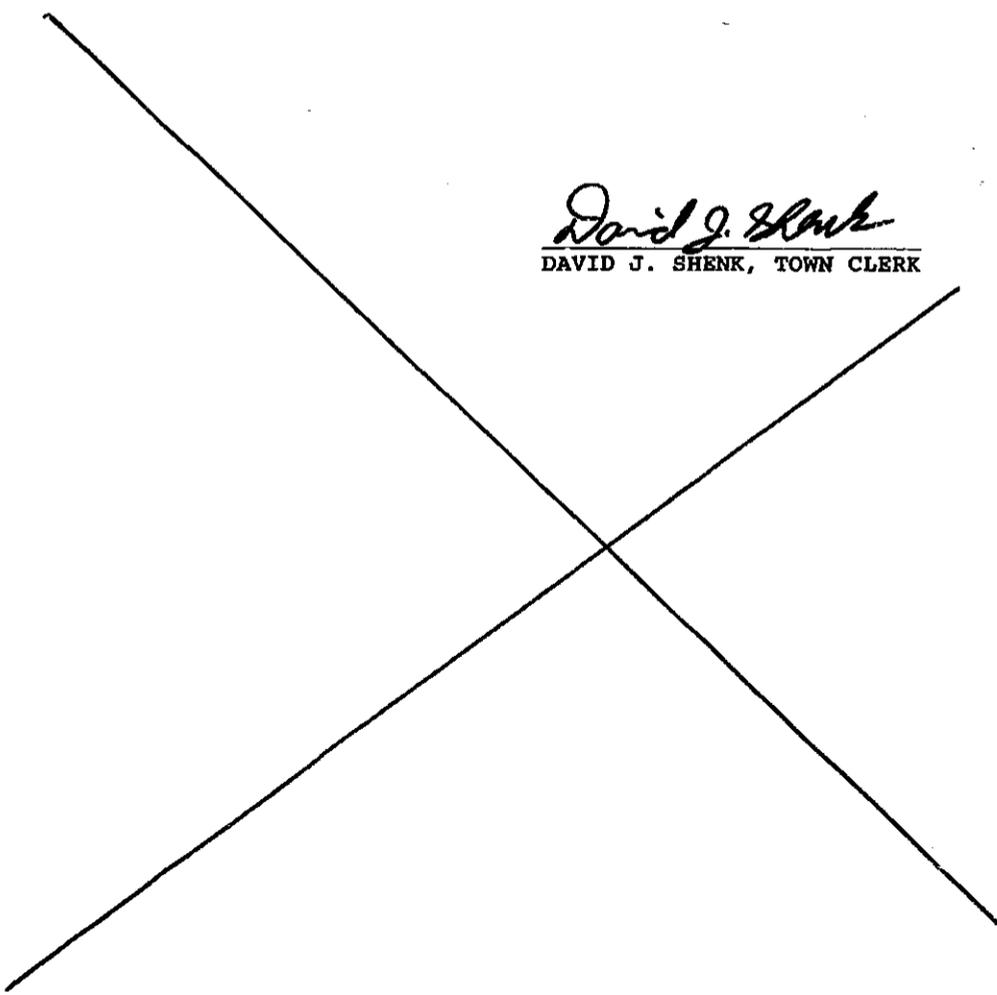
Councilman Simmeth noted that drainage problems have been reported in the vicinity of Glenn Terrace and Kevin Drive.

Councilman Simmeth commented that Mark Schichtel of Schichtel's Nursery should be sent a thank you note from the town for donating Pin Oak trees for the playground area in the park.

Councilman Tills reported that the Christmas Lighting Committee met on April 13, 1999 and authorized the purchase of the remaining figures to complete the nativity scene. Construction of the manger will begin this summer.

Councilman Tills announced that Hillfest raffle tickets are available at \$2.00 each or three for \$5.00 from Hillfest Committee members and Evans National Bank.

A motion was made by Supervisor Rood to adjourn the meeting at 8:20 p.m. in silence for the lives lost during the recent Colorado school shootings.

  
*David J. Shenk*  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
MAY 5, 1999

TOWN HALL  
7:30 P.M.

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

Absent: Highway Superintendent Eugene E. Ruchalski.

Also present was Highway Crew Chief Wayne Kreitzbender.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adopt the minutes of the April 21, 1999 monthly meeting.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #5, dated May 5, 1999 in the amount of \$21,852.44 be paid.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #5, dated May 5, 1999, amount of \$3,037.31 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to accept the Town Clerk's Report for April 1999.

five (5) Ayes Carried

Received and filed a request to the Town Board Members to review the Final Plat for the Boston Hills Subdivision and forward comments to the Planning Board. A Public Hearing regarding the Boston Hills Subdivision is scheduled for Tuesday, May 11, 1999 at 8:00 P.M. in the Town Hall Court Room.

Received and filed a Buffalo Common Council Resolution in support of elimination of sales tax on clothing and shoes in Erie County.

Received and filed notification of a Liquor License Renewal Application for Olde Liberty Tavern, Inc., 9368 Boston State Rd.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to approve the following corrections to Abstract #4A, dated

April 21, 1999:

Voucher #275 M. Edington A3120.4	From:	\$	48.00
	To:	\$	78.00

Total General Fund	From:	\$11,709.90
	To:	\$11,739.90

Total Abstract:	From:	\$56,945.00
	To:	\$56,975.00

five (5) Ayes Carried

Supervisor Rood read a letter from the Town Board thanking the Nutrition Program Volunteers for their service.

Supervisor Rood and Councilman Mead, Liaison for the Nutrition Program presented the volunteers Certificates of Appreciation.

Nutrition Site Coordinator Donna Pfanner and Asst. Site Coordinator Theresa Horschel thanked the volunteers for their service.

REGULAR BOARD MEETING  
MAY 5, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to grant Shirley A. Mitchell, 7898 Boston State Road, permission to use the Lions Shelter on May 16, 1999 for a family party. Alcohol will be served, certificate of insurance submitted.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to refer the Patchin Fire Company, 8333 Boston State Road site plan for a proposed Flea Market to the Planning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to waive the site plan application fee for the Patchin Fire Company proposed Flea Market.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to grant a Soil Removal Permit to Joseph and Carl Simmeth, 8010 Boston State Road.

five (5) Ayes Carried

#### SUPERVISOR REPORT

A) Supervisor's monthly report for March 1999 was received and is on file in the Clerk's Office.

Supervisor Rood announced that the inmates from Collins Correctional Facility have begun work on the Nature Trail in the Town Park. The debris will be piled for fire drills for the fire companies which will save the cost of removal.

Supervisor Rood reported that on May 3, 1999, she and NRCS Representative, John Whitney, inspected the work done in the Hillcroft Bridge area last year. Additional fill will be added to the area, willow trees will be planted along the bank and additional seeding will be done.

#### HIGHWAY SUPERINTENDENT REPORT

Highway Crew Chief Wayne Kreitzbender reported that the first brush pick-up has been completed. A second pick-up will begin May 17th.

Highway Crew Chief Wayne Kreitzbender reported that the Highway Department has been working on road repair and drainage problems. In the Parks Dept. the backstop on diamond #1 is being replaced.

Supervisor Rood noted that mulch from the brush pick-ups is free to town residents.

#### TOWN ATTORNEY REPORT

Town Attorney Perley reported that regarding the renewal of Adelpia Cable's franchise, a Public Hearing will be scheduled in September. Councilman Tills and Town Attorney Perley will submit a plan for soliciting written comments from residents in advance of and after the Public Hearing.

Town Attorney Perley noted that a meeting will be scheduled for the Zoning Review Commission, which consists of all Department Heads, to review specific proposals for the revised schedule of fees.

Town Attorney Perley reported that he has been in contact with attorneys representing the Town of Boston in the Seil lawsuit in the Weller Subdivision.

REGULAR BOARD MEETING  
MAY 5, 1999

TOWN HALL  
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Town Attorney Perley noted that he is in the process of recreating the document lost by Erie County, which was prepared years ago for the payment in lieu of taxes for People Inc. Attorney for People Inc. has noted that People Inc. does not intend to agree to any payments-in-lieu of taxes once the Town of Boston agreement expires. Town Attorney Perley requested the Town Clerk forward for his review, copies of the minutes of the Public Hearings when Peoples Inc. requested construction of a facility.

COUNCILMAN REPORT

Councilman Mead reported that eight (8) people including members of the Planning Board are interested in attending a SEQR Workshop presented by Ken Kloeber.

Councilman Mead reported that he, Councilman Wiktor and Planning Board Chairman Jusko attended the Southtowns Planning and Development Group meeting on April 26, 1999. The year 2000 Census was discussed and web site information packets were distributed along with information on available part-time census jobs.

Councilman Wiktor noted that the available census jobs will be available to students also and are local to the applicant.

Councilman Wiktor reported complaints on boom boxes have been received and referred to Code Enforcement.

Councilman Wiktor received complaints of a semi-automotive repair shop operating after hours in the vicinity of the Town Hall. Councilman Wiktor informed the repair shop owners of the town noise ordinance.

Councilman Simmeth reported that Earth Day on April 24, 1999 was a success. Fifty (50) earth machines were sold this year and one hundred forty (140) sold last year which means approximately ten percent of the residents are using earth machines. The tire drop-off, mercury exchange and soil testing programs were successful. Councilman Simmeth thanked Highway Crew Chief Kreitzbender and Conservation Advisory Council Chairman Bifaro for their work on the program.

Councilman Simmeth reported he has been working on the Solid Waste Contracts.

Councilman Simmeth commented that regarding the recent articles in the news on the volunteer fireman in Erie County, the residents of the Town of Boston can be assured our fire departments are spending our tax dollars wisely and we can be proud of the job they do.

Councilman Wiktor noted that volunteer emergency services comprise seventy-five (75) percent of the emergency services in the United States. To quote from the news article, to create a paid fire and EMS service in remote areas, the cost would be enormous.

Councilman Tills announced a South Boston Park Committee meeting on Saturday, May 8, 1999 to inspect park conditions.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for April 1999 was received and is on file in the Clerk's Office.

Received and filed Deputy Code Enforcement Officer Lisowski's inspection report of the Dzierzanowski property, 6710 Mill Street.

REGULAR BOARD MEETING  
MAY 5, 1999

TOWN HALL  
7:30 P.M.

CODE ENFORCEMENT OFFICERS REPORT (CONT.)

Town Attorney Perley noted Code Enforcement Officers may enter the 6710 Mill Street property at any time for purposes of an inspection but as a courtesy a Notice will be served when the Town Code Enforcement Officers and R & D Engineers will inspect the property.

Town Attorney Perley asked Deputy Code Enforcement Officer Lisowski if in his opinion the Dzierzanowski building was structurally sound and he responded that the building was not sound.

Town Attorney Perley commented that Deputy Town Attorney/Prosecutor Terrizzi will reinstate the Junk Yard Proceedings which were adjourned due to the understanding that the situation would be corrected upon sale of the property.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to schedule a Public Hearing June 1, 1999 at 7:00 p.m. to determine if the building at 6710 Mill Street is unsafe.

five (5) Ayes

Carried

DOG CONTROL OFFICER MONTHLY REPORT

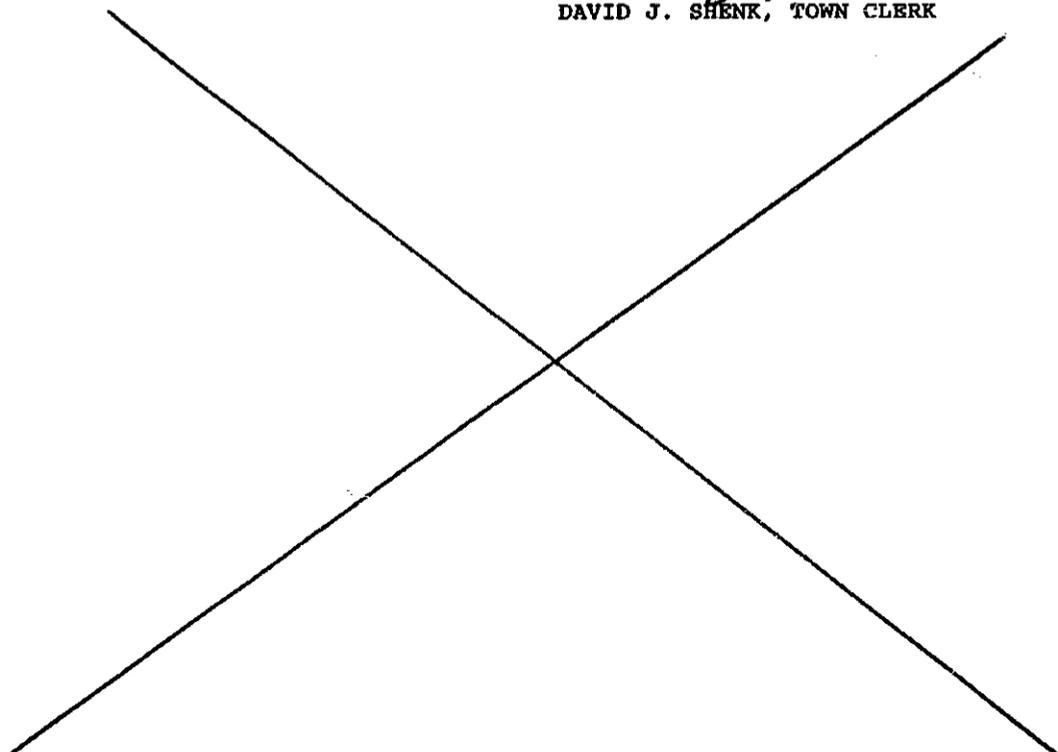
A) Dog Control Officer monthly report for April 1999 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for April 1999 was received and is on file in the Clerk's Office.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adjourn the meeting at 8:17 p.m.

  
DAVID J. SHENK, TOWN CLERK



REGULAR BOARD MEETING  
MAY 19, 1999

TOWN HALL  
7:30 P.M.

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

Absent: Highway Superintendent Eugene E. Ruchalski.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adopt the minutes of the May 5, 1999 monthly meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Tills, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #5A, dated May 19, 1999 in the amount of \$27,196.14 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #5A, dated May 19, 1999, amount of \$18,434.64 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff's report for April 1999.

Received and filed a Certificate of Attendance for Board of Assessment Review Training from NYS Office of Real Property Services for Robert J. Ganey.

Received and filed a Town of West Seneca Resolution in support of an increase in the NYS CHIPS budget (Consolidated Highway Improvement Program).

Supervisor Rood and Recreation Liaison Councilman Wiktor, presented Linda Carney with a Certificate in recognition of her twenty-five (25) years of service to the Bowling League.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to approve the following summer meeting schedule:

Agenda Reviews	July 19,	August 16	- 7:00 p.m.
Meeting Dates	July 21,	August 18	- 7:30 p.m.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to schedule the Mobile Home Inspections for Tuesday, June 1, 1999 beginning at the Falkides Park at 4:30 p.m.

five (5) Ayes Carried

Received and filed a Planning Board recommendation of approval for the Patchin Fire Company Flea Market Site Plan.

Councilman Mead noted that the Patchin Fire Company assured the Planning Board that concerns regarding parking safety issues and the blocking of right-of-ways for emergencies are being addressed.

Town Attorney Perley commented that there was also an issue of traffic ingress and egress for patrons of the flea market and Fire Co. representatives assured that traffic will be monitored closely.

A motion was made by Supervisor Rood and seconded by Councilman Mead to approve the Patchin Fire Company Flea Market Site Plan contingent upon monitoring of traffic ingress and egress and monitoring of event by Town of Boston Code Enforcement Officers.

five (5) Ayes Carried

# TOWN OF BOSTON



RESOLUTION 1999-12

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

TO THE TOWN BOARD  
TOWN OF BOSTON:

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

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

BFI of North America, Inc.

2321 Kenmore Avenue, P.O. Box 571

Kenmore, NY 14217                      716/614-3333

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

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - Co-mingled and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

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

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

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - Co-mingled and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

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

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

- TOWN OF BOSTON -

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

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - Co-mingled and source separated containers

MSW - Hand service and containers

ii. Manner and Place of Disposal:

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

MSW - American Ref-Fuel, Niagara Falls, NY

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - Co-mingled

MSW - Hand Service

ii. Manner and Place of Disposal:

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

MSW - American Ref-Fuel, Niagara Falls, NY

3. The Applicant hereby agrees to:

- (a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)
- (b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)
- (c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information.
- (d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

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

FEE: \$100

LICENSE GRANTED BY RESOLUTION  
OF THE TOWN BOARD DATED 5/19/99

David J. Spill  
Town Clerk

BFI of North America, Inc.

(type-in Company Name)

By: [Signature]

Title: District V.P. Date: 1/25/99

**J&H MARSH & MCLENNAN, INC.**

**CERTIFICATE OF INSURANCE**

CERTIFICATE NUMBER  
# 74921

**PRODUCER**

**J&H Marsh & McLennan, Inc.**  
1166 Avenue of the Americas  
New York, NY 10036-2774

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

**COMPANIES AFFORDING COVERAGE**

COMPANY LETTER **A NATIONAL UNION FIRE INS. CO.**

COMPANY LETTER **B AMERICAN INTL SOUTH INS. CO.**

COMPANY LETTER **C NATIONAL UNION FIRE OF LOUISIA**

COMPANY LETTER **D ILLINOIS NATIONAL INS CO**

**INSURED**

• BFI of North America, Inc.  
• 2321 Kenmore Avenue  
• P.O. Box 571  
Kenmore, NY 14217

**COVERAGES**

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

CO TR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	RMGL 113-58-24	5/01/98	5/01/99	GENERAL AGGREGATE \$ 1000000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR. <input checked="" type="checkbox"/> OWNER'S CONTRACTOR'S PROT. <input checked="" type="checkbox"/> Contractual Lia				PRODUCTS-COMP/OP AGG \$ 5000000 PERSONAL & ADV INJURY \$ 2500000 EACH OCCURRENCE \$ 2500000 FIRE DAMAGE (Any one fire) \$ 250000 MED. EXPENSE (Any one person) \$ 10000
A	AUTOMOBILE LIABILITY	RMCA 320-86-77 RMCA 320-86-78 (TX)	5/01/98 5/01/98	5/01/99 5/01/99	COMBINED SINGLE LIMIT \$ 5000000
	<input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRE AUTOS <input type="checkbox"/> NON-OWNED AUTOS				BODY INJURY (Per person) \$ BODY INJURY (Per accident) \$ PROPERTY DAMAGE \$
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY \$ EACH ACCIDENT \$ AGGREGATE \$
	EXCESS LIABILITY	BE 9325958	5/01/97	5/01/00	EACH OCCURRENCE \$ 7500000 AGGREGATE \$ 7500000
B C D A	WORKERS' COMPENSATION AND EMPLOYERS LIABILITY	RMWC 116-57-10 GA	5/01/98	5/01/99	STATUTORY LIMITS <input checked="" type="checkbox"/>
		RMWC 116-57-12 LA	5/01/98	5/01/99	EACH ACCIDENT \$ 2500000
		RMWC 1165450 MI, NY	5/01/98	5/01/99	DISEASE - POLICY LIMIT \$ 2500000
		RMWC 1165713 WI, UT	5/01/98	5/01/99	DISEASE - EACH EMPLOYEE \$ 2500000
	OTHER				

DESCRIPTION OF OPERATIONS, LOCATIONS, VEHICLES/SPECIAL ITEMS

(SEE REVERSE AND/OR ATTACHED)

**CERTIFICATE HOLDER**

Town of Boston  
8500 Boston State Road  
Boston, NY 14025

**CANCELLATION**

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

J&H MARSH & MCLENNAN, INCORPORATED

BY:

MM 1 (2/95)

ISSUED AS OF: 4/02/98

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE #74921 (CONTINUED)

INSURED :

HOLDER :

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

Company	Policy #	States Covered	Policy Period
IL National Ins Co.	RMWC1165711	IL	5/1/98-99
Ins Co, State of PA	RMWC1165714	AL, AR, CO, CT, DC, DE, HI, IA, IN, KS, KY, MA, MN, MO, MS, MT, NC, NE, NH, NJ, OK, PA, RI, SC, TN, TX, VT	
Nat Union Fire Ins Co. of PA	RMWC1165715	CA	5/1/98-99
Birmingham Fire Ins Co. of PA	RMWC1165716	OR	5/1/98-99
Birmingham Fire Ins Co. of PA	RMWC1165718	AZ, ID	5/1/98-99

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

**J&H MARSH & McLENNAN, INC. CERTIFICATE OF INSURANCE** CERTIFICATE NUMBER  
0310001-00251

**PRODUCER**  
J&H Marsh & McLennan, Inc.  
1166 Avenue of the Americas  
New York, NY 10036-2774

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

**COMPANIES AFFORDING COVERAGE**

**INSURED**  
BFI Waste Systems of North America, Inc.  
2321 Kenmore Avenue  
P.O. Box 571  
Kenmore, NY 14217

COMPANY  
**A AMERICAN HOME ASSURANCE CO**

COMPANY  
**B NATIONAL UNION FIRE INS. CO.**

COMPANY  
**C BIRMINGHAM FIRE INS CO OF PA**

COMPANY  
**D INS. CO. OF THE STATE OF PA**

**COVERAGES**

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> OWNER'S & CONTRACTOR'S PROT <input checked="" type="checkbox"/> Contractual Lia	RMGL 612-26-74	5/01/99	5/01/00	GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 5,000,000 PERSONAL & ADV INJURY \$ 2,500,000 EACH OCCURRENCE \$ 2,500,000 FIRE DAMAGE (Any one fire) \$ 250,000 MED EXP (Any one person) \$ 10,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS	RMCA 320-98-66 RMCA 320-98-67(TX)	5/01/99 5/01/99	5/01/00 5/01/00	COMBINED SINGLE LIMIT \$ 5,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE
	GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY EACH ACCIDENT AGGREGATE
B	EXCESS LIABILITY <input checked="" type="checkbox"/> UMBRELLA FORM OTHER THAN UMBRELLA FORM	BE 9325958	5/01/97	5/01/00	EACH OCCURRENCE \$ 7,500,000 AGGREGATE \$ 7,500,000
A	WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY	RMWC 347-34-43 CA RMWC 347-34-44 OR	5/01/99 5/01/99	5/01/00 5/01/00	<input checked="" type="checkbox"/> WC STATUTORY LIMITS EL EACH ACCIDENT \$ 2,500,000
C	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL	RMWC 347-34-45 AZ, ID	5/01/99	5/01/00	EL DISEASE - POLICY LIMIT \$ 2,500,000
D	OTHER: <input type="checkbox"/> EXCL	RMWC 347-34-91 AR, TN	5/01/99	5/01/00	EL DISEASE - EA EMPLOYEE \$ 2,500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / SPECIAL ITEMS

(See reverse and/or attached for additional information.)

**CERTIFICATE HOLDER**

Town of Boston  
8500 Boston State Road  
Boston, NY 14025

**CANCELLATION**

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

J&H MARSH & McLENNAN, INCORPORATED  
BY: *J.M. McC...*

JHMM1 (2/98)

VALID AS OF: 4/16/99

HOLDER COPY

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES Cont'd.

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

Company	Policy #	States Covered	Policy Period
American Home Assurance	RWMC3473440	AL, CO, CT, DC, DE, GA, HI, IA, IN, KS, KY, MA, MN, MO, MS, MT, NC, NE, NH, NJ, OK, PA, RI, SC, TX, UT, VT	5/1/99-00
IL National Ins. Co.	RWMC3473441	HI, NY, WI	5/1/99-00
IL National Ins. Co.	RWMC3473442	IL, LA	5/1/99-00

Workers Compensation Limits - Statutory

Employers Liability - \$2,500,000 each accident/\$2,500,000 disease policy  
limit /\$2,500,000 disease each employeeCertificate holder is named as an additional insured.  
Waste collection and disposal.

# TOWN OF BOSTON



RESOLUTION 1999-12

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

TO THE TOWN BOARD  
TOWN OF BOSTON:

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

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

C.I.D. Refuse Service, Inc.

10860 Olean Road, Chaffee, NY 14030-9799

716/496-5000

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

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - Separate containers and truck

MSW - Packer truck

ii. Manner and Place of Disposal:

Recyclables - CID Recycling Center, 10860 Olean Rd, Chaffee

MSW - CID Landfill, Inc, 10860 Olean Rd, Chaffee

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - Separate containers and truck

MSW - Packer truck

ii. Manner and Place of Disposal:

Recyclables - CID Recycling Center, 10860 Olean Rd, Chaffee

MSW - CID Landfill, Inc, 10860 Olean Rd, Chaffee

- TOWN OF BOSTON -

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

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - Separate containers and truck

MSW - Packer truck

ii. Manner and Place of Disposal:

Recyclables - CID Recycling Center, 10860 Olean Rd, Chaffee

MSW - CID Landfill, Inc. 10860 Olean Rd, Chaffee

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - None

MSW - None

ii. Manner and Place of Disposal:

Recyclables - N/A

MSW - N/A

3. The Applicant hereby agrees to:

- (a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)
- (b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)
- (c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information.
- (d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

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

FEE: \$100

LICENSE GRANTED BY RESOLUTION  
OF THE TOWN BOARD DATED 5/19/99

David J. Rowe  
Town Clerk

C.I.D. Refuse Service, Inc.

(type-in Company Name)

By: \_\_\_\_\_

Title: Safety Supervisor Date: 1/11/99

# ACORD. CERTIFICATE OF INSURANCE

DATE (MM/DD/YY)  
1/11/99

PRODUCER  
EMAR GROUP, INC.  
354 EISENHOWER PARKWAY  
LIVINGSTON, NJ 07039

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

973-994-3131  
INSURED  
CID REFUSE SERVICE INC.  
10860 OLEAN RD  
CHAFFEE, NY 14033

COMPANIES AFFORDING COVERAGE  
COMPANY  
A RELIANCE NATIONAL INDEMNITY  
COMPANY  
B TRANSCONTINENTAL INS CO  
COMPANY  
C  
COMPANY  
D

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

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT	NGB 0149781-00	11/01/98	1/01/00	GENERAL AGGREGATE \$ 2000000 PRODUCTS-COMP/OP AGG \$ 2000000 PERSONAL & ADV INJURY \$ 2000000 EACH OCCURRENCE \$ 1000000 FIRE DAMAGE (Any one fire) \$ 1000000 MED EXP (Any one person) \$
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	NKA 0149779-00  NKA 0179780-00 (TEXAS)	11/01/98	1/01/00	COMBINED SINGLE LIMIT \$ 1000000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EACH ACCIDENT \$ AGGREGATE \$
B	<b>EXCESS LIABILITY</b> <input checked="" type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM	CPU 167045342	11/01/98	1/01/00	EACH OCCURRENCE \$ 25000000 AGGREGATE \$ 25000000
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> THE PROPRIETORY/ PARTNERS/EXECUTIVE OFFICERS ARE: <input checked="" type="checkbox"/> INCL <input type="checkbox"/> EXCL	NWA 0151582-00	1/01/99	1/01/00	<input checked="" type="checkbox"/> STATUTORY LIMITS EACH ACCIDENT \$ 1000000 DISEASE - POLICY LIMIT \$ 1000000 DISEASE - EACH EMPLOYEE \$ 1000000
	OTHER				

DESCRIPTION OF OPERATION & LOCATION(S) VEHICLES/SPECIAL ITEMS  
TOWN OF BOSTON IS ADDED AS ADDITIONAL INSURED AS RESPECTS THE ABOVE GENERAL LIABILITY POLICY.

CERTIFICATE HOLDER  
  
TOWN OF BOSTON  
8500 BOSTON STATE ROAD  
BOSTON, NY 14025-9648

CANCELLATION  
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.  
AUTHORIZED REPRESENTATIVE: *[Signature]* 100000942

# TOWN OF BOSTON



RESOLUTION 1999-12

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

TO THE TOWN BOARD  
TOWN OF BOSTON:

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

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

Natural Environmental Inc.  
3675 Jeffrey Blvd.  
Blasdell, NY 14219

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

A) INSTITUTIONAL customers

i. Manner of Collection:

Recyclables - Rear Load Packer Truck

MSW - Rear Load Packer Truck

ii. Manner and Place of Disposal:

Recyclables - NEI 3675 Jeffrey Blvd. Blasdell, NY 14219

MSW - Transfer Station

B) INDUSTRIAL customers

i. Manner of Collection:

Recyclables - \_\_\_\_\_

MSW - Roll Off Truck With Containers

ii. Manner and Place of Disposal:

Recyclables - Natural Environmental 3675 Jeffrey Blvd.

MSW - Transfer Station

- TOWN OF BOSTON -

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

2. (Cont'd.)

C) COMMERCIAL customers

i. Manner of Collection:

Recyclables - Rear Load Packer Truck

MSW - Rear Load Packer Truck

ii. Manner and Place of Disposal:

Recyclables - NEI 3675 Jeffrey Blvd. Blasdell, NY 14219

MSW - Transfer Station

D) RESIDENTIAL customers (excluding Town contract)

i. Manner of Collection:

Recyclables - Trailer Unit

MSW - Rear Load Packer Truck

ii. Manner and Place of Disposal:

Recyclables - NEI 3675 Jeffrey Blvd. Blasdell, NY 14219

MSW - Transfer Station

3. The Applicant hereby agrees to:

- (a) Indemnify and hold harmless the Town of Boston for any pending, threatened or actual claims, liability or expense arising from waste disposal in violation of Chap. 63 of the Town Code or not in conformance with this License (§63-502.B)
- (b) To offer collection services for municipal solid waste and recyclables at the same time and on the same day to all of its customers (§63-502.C)
- (c) To maintain separate monthly records of municipal solid waste and recyclables collected, transported and disposed of in conformance with §63-502.D of the Boston Town Code, and to provide to the Town of Boston quarterly reports containing such information.
- (d) To amend or supplement this Application in writing, additional information is required to conform with Chapter 63 of the Boston Town Code.

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

FEE: \$100

LICENSE GRANTED BY RESOLUTION  
OF THE TOWN BOARD DATED 5/12/99

David J. Shaw  
Town Clerk

Natural Environmental  
(type-in Company Name)

By: Phillip Dutson

Title: G.M.

Date: 4/28/99

**ACORD CERTIFICATE OF LIABILITY INSURANCE**

DATE REVISED  
04/30/1999

<b>PRODUCER</b> BADGER & GUNNER, INC. 24 PINE STREET EAST AURORA, NY 14052	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
<b>INSURERS AFFORDING COVERAGE</b> INSURER A: WAUBAU INSURANCE CO. INSURER B: INSURER C: INSURER D: INSURER E:	
<b>INSURED</b> NATURAL ENVIRONMENTAL, INC. 3675 JEFFREY BLVD BLADELL, NY 14219	

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

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> ACC <input type="checkbox"/> LOC	83900007946	7/29/98	7/29/99	EACH OCCURRENCE: \$1,000,000 PIPE DAMAGE (Any one ft): \$50,000 MED EXP (Any one person): \$5,000 PERSONAL & ADV ALIENY: \$1,000,000 GENERAL AGGREGATE: \$2,000,000 PRODUCTS - COMPROP AGG: \$2,000,000
<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NONOWNED AUTOS	83900007946	7/29/98	7/29/99	COMBINED SINGLE LIMIT (E&A accident): \$1,000,000 BODILY INJURY (Per person): \$ BODILY INJURY (Per accident): \$ PROPERTY DAMAGE (Per accident): \$ AUTO ONLY - EA ACCIDENT: \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
<b>Garage Liability</b> <input type="checkbox"/> ANY AUTO				EACH OCCURRENCE: \$ AGGREGATE: \$
<b>Errors Liability</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE: \$ RETENTION: \$				EACH OCCURRENCE: \$ AGGREGATE: \$
<b>WORKERS COMPENSATION AND EMPLOYERS LIABILITY</b>				E&A EACH ACCIDENT: \$ E&A DISEASE - EA EMPLOYEE: \$
<b>A OTHER LEASED/ RENTED EQUIPMENT</b>	83900007946	7/29/98	7/29/99	LIMIT: \$80,000. ALL-RISKS COVERAGE

DESCRIPTION OF OPERATIONS, LOCATIONS, VEHICLES, EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

<b>CERTIFICATE HOLDER</b> TOWN OF BOSTON 8500 BOSTON STATE ROAD BOSTON NY 14025	<b>ADDITIONAL INSURED; INSURER LETTER:</b>	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 15 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE: <i>A. Wilkins</i>
--	--	--

**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

NUMBER 1999-10

**A Resolution renaming Smolinski Drive in the Town of Boston, New York**

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 19th day of May, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	<b>Lisa M. Rood</b>	<b>Supervisor</b>
	<b>Dennis Mead</b>	<b>Councilman</b>
	<b>Karl Simmeth</b>	<b>Councilman</b>
	<b>Steven Tills</b>	<b>Councilman</b>
	<b>Damian P. Wiktor</b>	<b>Councilman</b>

Absent:

Supervisor Rood presented the following Resolution and moved its adoption:

**BE IT RESOLVED** that, pursuant to the Town Law of the State of New York, Smolinski Drive, a Town Highway situate in the Town of Boston, New York, be and the same is renamed Douglas Drive, and be it further

**RESOLVED** that the Town Clerk be and he is hereby directed to notify all appropriate agencies and/or departments of the several governmental authorities that provide services to the said Town Highway.

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

<b>Supervisor Rood</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Mead</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Simmeth</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Tills</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Wiktor</b>	<b>Voting:</b>	<b>Aye</b>

AYES: 5

NOES: 0

ABSENT: 0

*David J. Henk*  
David J. Henk-Town Clerk

# TOWN OF BOSTON



TOWN OF BOSTON

RESOLUTION 1999-11

## COUNTY/MUNICIPAL LOCAL PLANNING INITIATIVE AGREEMENT

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 19th day of May 1999 at 7:30 P.M. Eastern Standard Time, there were:

Present:

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

Councilman Mead presented the following resolution and moved its adoption:

**RESOLVED**, that the Supervisor of the Town of Boston is hereby authorized to execute an agreement with the County of Erie as pertains to the 1999 Local Planning Initiative Program, and be it further

**RESOLVED**, that the Supervisor of the Town of Boston is hereby authorized to execute a Data Sharing Cooperative Agreement for Local Governments with the New York State Office for Technology on behalf of the Town of Boston.

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

Supervisor Rood	<u>Voting Aye</u>
Councilman Wiktor	<u>Voting Aye</u>
Councilman Tills	<u>Voting Aye</u>
Councilman Simmeth	<u>Voting Aye</u>
Councilman Mead	<u>Voting Aye</u>

AYES: FIVE (5)

NOES: NONE (0)

ABSENT: NONE (0)

  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
MAY 19, 1999

TOWN HALL  
7:30 P.M.

RESOLUTION 1999-12 REFUSE LICENSE BFI OF NEW YORK, INC.  
REFUSE LICENSE CID REFUSE SERVICE, INC.  
REFUSE LICENSE NEI NATURAL ENVIRONMENTAL, INC.

Received and filed a request from William and Lisa Dellamore, 9313 Smolinski Drive, to change the name of Smolinski Dr. to Douglas Dr.

RESOLUTION 1999-10 RESOLUTION RENAMING SMOLINSKI DR. TOWN OF BOSTON

RESOLUTION 1999-11 COUNTY/MUNICIPAL LOCAL PLANNING INITIATIVE

SUPERVISOR REPORT

A) Supervisor Monthly Bank Account Report for April 1999 was received and is on file in Clerk's Office.

Supervisor Monthly Report for April 1999 was received and is on file in Clerk's Office.

Supervisor Rood wished Town Clerk Shenk and his fiance Polly France best wishes from the Town Board on their impending marriage, Saturday, May 22, 1999.

Supervisor Rood announced that the Town of Boston received \$41,236.91 from the FEMA program for the January storm disaster.

Supervisor Rood reported that Eastwood Industries demolished the unsafe building at 5829 Herman Hill Road.

Supervisor Rood appointed Peggy Stringfellow and Jack Racinowski to the Hillfest Committee.

Supervisor Rood appointed the following to the Christmas Lighting Committee:

Deborah Appleby	Edwine Gwynne
John Ast	Vern & Judy Heiler
Carole Bieler	Diane Helmbrecht
Robert Burley	Becky Henry
James Carr	Michele Jablonski
Edward Cary	Mr. & Mrs. Harry James
Margaret Edington	Evelyn & Michael Kazinski
Karen Ellis	Richard Kennedy
Ronald Fluker	Herbert Klein
Alice Kut	Robert Marean
Frank & Eleanor Mazurowski	Mike, Maryann & Chris Mehs
Doug & Karen Miller	Doris Pilato
Richard Poisson	Robert & Patricia Ryan
Frank & Mina Saeli	Phyllis & Fred Shear
Larry Steward	Stephen Tills
Elwin Warner	Florence Weiss
Marilyn Wershoven	Benjamin White
James & Maryanne Jehle	

TOWN CLERK REPORT

Received and filed the Tax Collection Report for April 1999.

Town Clerk Shenk presented the Memorial Day Program scheduled for May 31, 1999.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that on May 11, 1999 there was a Public Hearing at the Planning Board meeting on the final subdivision plat for the Boston Hills Subdivision. Town Attorney Perley informed Councilman Simmeth that neighbors are concerned about the drainage situation on Colonial Drive and a traffic issue at the most southerly end of Back Creek Road and Hillcroft Drive.

REGULAR BOARD MEETING  
MAY 19, 1999

TOWN HALL  
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Town Attorney Perley noted that the Code Enforcement Officers and Town Engineer reports will be presented at the June 2, 1999 Dzierzanowski Hearing for 6710 Mill Street. Deputy Town Attorney Terrizzi has reinstated the Junk Yard proceedings. It is anticipated that the property will be sold to the Boston Fire Company in June.

Town Attorney Perley reported that the North Boston Fire Company has entered into a financing proposal to purchase equipment at a municipal rate which will be a savings to Boston taxpayers. Town Attorney Perley will prepare a resolution for Board approval of the financing package.

COUNCILMAN REPORT

Councilman Mead noted that he and Councilman Simmeth will address the neighbors concerns that were voiced at the May 11, 1999 Planning Board meeting for the Boston Hills Subdivision.

Councilman Mead reported that he, Supervisor Rood, Councilman Simmeth, Deputy Town Attorney Terrizzi and Highway Crew Chief Krietzender attended the Sixth Annual Local Government Conference at Houghton College on May 13, 1999 sponsored by the Southern tier West Regional Planning and Development Board. Each person attended separate sessions addressing various issues in town government.

Councilman Wiktor reported that he will discuss the Rescue Squad concerns regarding the exterior and heating of the squad building with Leo Jensen of the Maintenance Department.

Councilman Wiktor reported on the Census Job Program and presented Supervisor Rood with a census informational brochure. The census is important to NYS because a NYS congressional seat could be lost due to a decline in the number of residents.

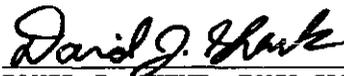
Councilman Wiktor complemented the Highway Department and the volunteers who worked on the town ball diamonds on May 15, 1999.

Supervisor Rood noted that there has been vandalism in the town parks again and it will not be tolerated. Electrical outlet covers have been removed and thrown around the parks. Locked plates will now be installed on outlets and a key will be available in the Town Clerk's office. Charges will be placed on anyone found to be vandalizing town parks. Roller blading is not allowed on the tennis courts and the State Police will take names of children who are abusing this order. The Lions Shelter pavement is being resurfaced and will soon be ready for roller blading.

Councilman Simmeth announced that there will be a Erie County and NEST Hazardous Waste drop-off on June 19, 1999 at Erie Community College South. Flyers are available in the Town Clerk's office and the information hotline telephone number is 858-6800.

Councilman Tills reported that the South Boston Park is in excellent condition as most repairs were done last year. There has been a request for electrical outlets in the South Boston Park shelter but that may now be a problem due to the recent vandalism.

A motion was made by Councilman Simmeth and Councilman Mead to adjourn the meeting at 8:12 p.m.

  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
JUNE 2, 1999

TOWN HALL  
7:30 P.M.

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

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adopt the minutes of the May 19, 1999 monthly meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #6, dated June 2, 1999 in the amount of \$45,196.64 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills, upon review by the Town Board, that the Highway Bills on Abstract #6, dated June 2, 1999, amount of \$10,322.50 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to accept the Town Clerk's Report for May 1999.

five (5) Ayes Carried

Received and filed an Annual Water Supply Statement and Consumer Confidence Report from the Erie County Water Authority.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to grant use of the Town Hall and Town Park on July 23-25, 1999 for the First Annual Hillfest.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to waive the cash deposit for use of the Town Hall and Town Park on July 23-25, 1999 for the First Annual Hillfest.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth, on the recommendation of Code Enforcement Officer Kramer, to approve the soil removal application of Roy Emerling, 7957 Boston State Road, contingent upon not exceeding six hundred (600) cubic yards.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills, on the recommendation of Recreation Director O'Brien, to appoint the following to the Summer Recreation Program effective immediately and to expire August 30, 1999:

Christine Bubar	Summer Supervisor	\$2,800/Summer
Jerry Lindsey	Recreation Leader	1,350/Summer
Kevin Steffan	Ass't Site Supervisor	7.10/hr.
Michelle Clesse	Arts & Crafts Supervisor	6.10/hr.
Brittney Cudeck	Counselor	5.15/hr.
Cathleen Klein	Counselor	5.25/hr.
Jennifer Klein	Counselor	5.25/hr.
Katherine Matyas	Counselor	5.35/hr.
Melissa Martin	Counselor	5.35/hr.
Jennifer Olivieri	Counselor	5.25/hr.
Tammy Rockwood	Counselor	5.35/hr.
Heather Weber	Counselor	5.35/hr.
Melissa Wilson	Site Supervisor	7.60/hr.

REGULAR BOARD MEETING  
JUNE 2, 1999

TOWN HALL  
7:30 P.M.

(Motion Cont:)

Elaine Hilfiker	Arts & Crafts Supervisor	6.10/hr.
Nicole Kester	Arts & Crafts Supervisor	6.10/hr.
Julie Pavlovic	Counselor/Lifeguard	5.35-7.10/hr.
Melissa Dzikowski	Counselor	5.35/hr.
Joshua Kiddy	Counselor	5.15/hr.
Jacque Krycia	Counselor	5.15/hr.
Christine Maroney	Counselor	5.25/hr.
Beth Marschner	Counselor	5.35/hr.
Kristin Partridge	Counselor	5.15/hr.
Julie Pietrzak	Counselor	5.15/hr.
Robert Rooney	Counselor	5.25/hr.
Amanda Vara	Counselor	5.35/hr.
John Politowski	Site Supervisor	7.60/hr.
Colleen Klein	Ass't Site Supervisor	7.10/hr.
Doris Pilato	Arts & Crafts Supervisor	6.85/hr.
Mandi Malchoff	Counselor/Lifeguard	5.60-7.10/hr.
Joe Obryant	Counselor/Lifeguard	5.35-7.00/hr.
Bess Barbati	Counselor	5.25/hr.
Kate Barbati	Counselor	5.15/hr.
Julie Edwards	Counselor	5.45/hr.
Kris Krajewski	Counselor	5.35/hr.
Charles Schreier	Counselor	5.35/hr.
Rebecca Vara	Counselor	5.45/hr.

five (5) Ayes

Carried

**RESOLUTION 1999-12A RICHARD L. KENNEDY - CITIZEN OF THE YEAR**

Supervisor Rood reported that on June 1, 1999 a Public Hearing was conducted at the Agenda Review regarding the Dzierzanowski property at 6710 Mill Street. The Code Enforcement Officers and the Town Engineer have deemed the garage structure to be unsafe and a possible liability in the town right-of-way.

Town Attorney Perley commented that Chapter 47 of Town Code permits the Town Board, upon determining a structure to be unsafe, to order demolition by the owner. If the owner does not comply with the order, the town may proceed with the demolition and access the cost to the county property tax bill.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adopt an Order to Demolish and Remove the garage portion of the building at 6710 Mill Road (SBL#258.09-1-10) to be completed by July 15, 1999.

five (5) Ayes

Carried

Supervisor Rood noted the Boston Fire Company is in the process of purchasing the property and intends to clear the lot.

A motion was made by Supervisor Rood and seconded by Councilman Mead to direct the Town Clerk to publish for bids, with specifications drawn by the Town Attorney, for the demolition of structure at 6710 Mill Road, bid opening July 15, 1999, 10:00 a.m.

five (5) Ayes

Carried

**SUPERVISOR REPORT**

A) Supervisor's monthly Bank Account Report for May 1999 was received and is on file in the Clerk's Office.

Supervisor Rood read a letter of intent to resign from Recreation Director O'Brien and noted that Mr. O'Brien is retiring and relocating to Florida. Supervisor Rood noted that this resignation is accepted with deep regret as Mr. O'Brien is an asset to this town and has done a wonderful job with the recreation program.

# TOWN OF BOSTON



## TOWN OF BOSTON

### RESOLUTION 1999-12 A

At a regular meeting of the Town Board of the Town of Boston, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 2nd day of June, 1999 at 7:30 p.m., there were

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

Councilman Mead presented the following resolution and moved its adoption:

**WHEREAS**, the Town of Boston recognizes that the Boston Chamber of Commerce annually selects a "Citizen of the Year" to honor for outstanding service to the community, and

**WHEREAS**, their honoree this year is a person who has given unselfish commitment to the Town of Boston for over 25 years in many capacities, and

**WHEREAS**, for more than 25 years, his spirit of volunteerism was varied and numerous - coaching of little league in both football and baseball; member of the Boston Emergency Squad, President and Director of the Bertrand Chaffee Hospital Board, Director of the US 219 Association, member of the Erie County Sewer Authority Board, member of the Boston Chamber of Commerce, Boston Historical Society, Boston Library, Christmas Lighting Committee and Deferred Compensation Committee, Trustee of Hopevale School, and President of Good Shepherd Lutheran Church, and

**WHEREAS**, in public office he served in various terms as our Town Councilman, Town Supervisor and State Assemblyman and always represented our residents in a fair and equitable way, and

**WHEREAS**, due to pension restrictions, he took a reduced salary as Town Supervisor for several years; the remainder of his salary was donated back to the town for specific projects - for examples - music for the town band, for town Christmas lighting, and a for a new piano and pool tables for the Senior Citizens.

**NOW, THEREFORE, BE IT RESOLVED**, for the above reasons, as well as many other achievements too numerous to mention, the Boston Town Board, on behalf of the citizens of the Town of Boston, does hereby honor the 1999 Boston Chamber of Commerce Citizen of the Year

**RICHARD L. KENNEDY**

**BE IT FURTHER RESOLVED**, that we state our thanks and appreciation to him for his many years of distinguished and dedicated service to the residents of the Town of Boston.

Resolution was seconded by Supervisor Rood and duly put to a vote, with results as follows:

Supervisor Rood	Voting <u>Aye</u>
Councilman Wiktor	Voting <u>Aye</u>
Councilman Tills	Voting <u>Aye</u>
Councilman Simmeth	Voting <u>Aye</u>
Councilman Mead	Voting <u>Aye</u>

Ayes: 5

Noes: 0

Carried

*David J. Sherk*  
David J. Sherk, Town Clerk

REGULAR BOARD MEETING  
JUNE 2, 1999

TOWN HALL  
7:30 P.M.

SUPERVISOR REPORT (CONT.)

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to acknowledge a letter of intent to resign from Recreation Director O'Brien, effective upon appointment of a replacement.

five (5) Ayes

Carried

Supervisor Rood directed the Town Clerk to advertize for the position of Recreation Director, job description on file in Clerk's and Supervisor's office.

TOWN CLERK REPORT

Town Clerk Shank thanked Deputy Town Clerk Karen Ellis for covering the office during his honeymoon.

Town Clerk Shank announced he will be on military leave from June 8th to June 22, 1999.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski announced that the Spring brush pickup is completed and will resume again in September. Mulch will be available for residents in approximately two weeks.

Supervisor Rood complemented and thanked the Parks/Highway Superintendent for doing a great job on the town parks for the Memorial Day ceremonies.

TOWN ATTORNEY REPORT

Town Attorney Perley received notification from former carrier, Coregis Insurance Company, declining coverage for the Seil lawsuit (Weller Subdivision) on the basis that the claim accrued when the lawsuit started and therefore accrued outside their policy period. Coverage has been afforded by the town's current insurance carrier.

Town Attorney Perley noted that documents have been referred to him by the Supervisor and the Town Clerk from Computel Consultants. Computel reviews utility rates and recoups any overcharges for a percentage of the savings. NYSEG refunded \$12,000 to the town based upon a determination that they were billing the town at an improper rate. Computel is seeking a \$6,000 fee, however NYSEG claims the reimbursement was the result of an internal audit and that Computel did not participate in recovering the reimbursement. Town Attorney Perley noted that in his opinion and upon research, the Town Law and the NYS Constitution precludes the town from compensating anyone who does not provide a service.

A motion was made by Councilman Tills and seconded by Councilman Wiktor to authorize Town Attorney Perley to formally decline the Computel request for \$6,000 based upon the NYSEG representations and Town Attorney Perley's understanding of Town Law and the NYS Constitution.

five (5) Ayes

Carried

COUNCILMAN REPORT

Councilman Mead reported that the Planning Board, Zoning Board of Appeals and Conservation Advisory Council are still looking for alternate members.

Councilman Mead met with the Boston Valley School Principal regarding repairs for the creative playground. Volunteers will be making repairs within the next few weeks.

REGULAR BOARD MEETING  
JUNE 2, 1999

TOWN HALL  
7:30 P.M.

COUNCILMAN REPORT (CONT.)

Councilman Wiktor announced that the State Police will be taking fingerprints and photos of children for their parents use, at the Lions shelter on Saturday, June 5, 1999 from 10:00 am to 5:00 p.m., in the event this information should ever be needed.

Councilman Wiktor will meet with Highway Superintendent Ruchalski regarding the placement of a temporary snow fence to enclose two (2) benches for the girls softball diamond #6 to prevent the girls from wandering into the traffic lane.

Councilman Tills reported that there is standing water in the parking lot of the South Boston Park.

Highway Superintendent Ruchalski noted the driveway will be stoned, leveled and blacktopped next week.

CODE ENFORCEMENT OFFICERS REPORT

- A) Code Enforcement Officers monthly report for May 1999 was received and is on file in the Clerk's Office.

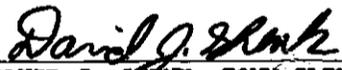
DOG CONTROL OFFICERS MONTHLY REPORT

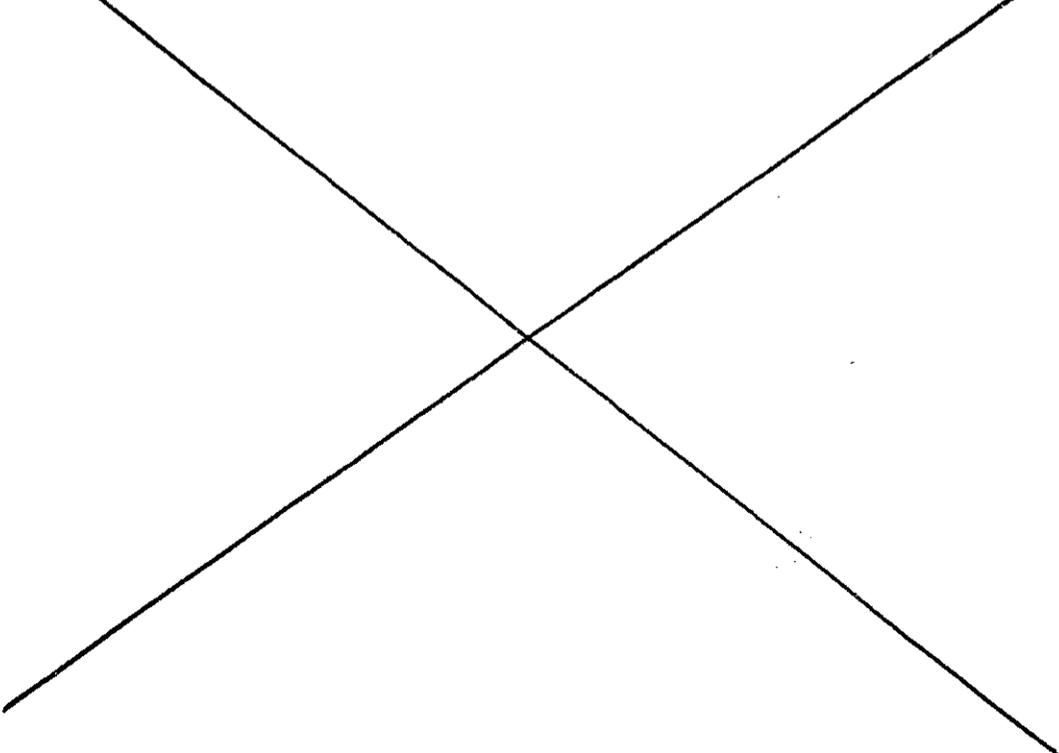
- A) Dog Control Officers monthly report for May 1999 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

- A) Town Engineer's monthly report for May 1999 was received and is on file in the Clerk's Office.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:02 p.m.

  
DAVID J. SIENK, TOWN CLERK



**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

NUMBER 1999-13

**A Resolution authorizing Out of District Water Service to 6760 Liebler Road (S/B/L No. 227.00-5-30) in the town of Boston, New York Water District No. 1**

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 16<sup>th</sup> day of June, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	<b>Lisa M. Rood</b>	<b>Supervisor</b>
	<b>Dennis Mead</b>	<b>Councilman</b>
	<b>Karl Simmeth</b>	<b>Councilman</b>
	<b>Steven Tills</b>	<b>Councilman</b>
	<b>Damian P. Wiktor</b>	<b>Councilman</b>

Absent:

**Supervisor Rood presented the following Resolution and moved its adoption:**

**WHEREAS:** Ann F. Moritz, the owner of property locally known as 6760 Liebler Road, Boston, New York also listed under S/B/L No. 227.00-5-30, which said property is situated outside of any existing water district in the Town of Boston; and

**WHEREAS:** the Erie County Water Authority has agreed to provide water service the property through Water District No. 1 subject to execution of an Out of District Customer Agreement; and

**WHEREAS:** the Town Engineer for the Town of Boston and the Erie County Water Authority have reached a consensus that there is minimally sufficient water pressure available to said property at the present time, however, neither the Town of Boston or the Erie County Water Authority hereby make any representation regarding the adequacy of said service.

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Boston as Commissioners of Water District No. 1 of the Town of Boston and all Extensions thereof hereby authorize the Supervisor to execute an Out of District Customer Agreement in a form acceptable to the Erie County Water Authority.

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

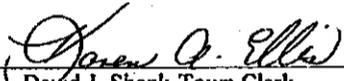
**Supervisor Rood**

**Voting: Aye**

Councilman Mead  
Councilman Simmeth  
Councilman Tills  
Councilman Wiktor

Voting: Aye  
Voting: Aye  
Voting: Aye  
Voting: Aye

AYES: 5                      NOES: 0                      ABSENT: 0

  
\_\_\_\_\_  
David J. Shenk-Town Clerk  
By Karen A. Ellis, Deputy Town Clerk

REGULAR BOARD MEETING  
JUNE 16, 1999

TOWN HALL  
7:30 P.M.

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

Absent: Highway Superintendent Eugene E. Ruchalski.

Also present was Highway Crew Chief Wayne Kreitzbender.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adopt the minutes of the June 2, 1999 monthly meeting.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #6A, dated June 16, 1999 in the amount of \$38,274.45 be paid.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the Highway Bills on Abstract #6A, dated June 16, 1999, amount of \$26,171.25 be paid.

five (5) Ayes Carried

Received and filed a Certificate of Final Special Franchise Assessments from NYS Board of Real Property Services.

Received and filed Erie County Sheriff's report for May 1999.

Supervisor Rood reported that a member item request was received from Senator Dale Volker in the amount of \$20,000 to refurbish the concession stand and purchase playground equipment for the North Boston Stadium.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to authorize the Supervisor to purchase playground equipment for the North Boston Stadium from the Miracle Recreation Equipment Company for a total of \$7,641.50.

five (5) Ayes Carried

Supervisor Rood read a letter from William Ross Moritz, 6760 Liebler Road, requesting Water District #1, out-of-district water service.

Supervisor Rood read a letter from R & D Engineering acknowledging that the water pressure will be adequate for a residential service at 6760 Liebler Road.

**RESOLUTION 1999-13 A RESOLUTION AUTHORIZING OUT OF DISTRICT WATER SERVICE TO 6760 LIEBLER ROAD (SBL#227.00-5-30), IN THE TOWN OF BOSTON, WATER DISTRICT NO. 1**

A motion was made by Councilman Simmeth and seconded by Councilman Tills, on the recommendation of Recreation Director O'Brien, to appoint the following for the Summer Recreation Program, term effective immediately and to expire on August 30, 1999:

Erin Ebert	Counselor	5.15/hr.
Andy Mead	Counselor	5.15/Hr.

five (5) Ayes Carried

Supervisor Rood read a letter from Philip Smolinski opposed to the renaming of Smolinski Drive.

REGULAR BOARD MEETING  
JUNE 16, 1999

TOWN HALL  
7:30 P.M.

**RESOLUTION 1999-14 A RESOLUTION RESCINDING RESOLUTION 1999-10**

Supervisor Rood reported that on June 10, 1999 she, property owner Jeff Kuhn, Code Enforcement Officer Kramer, and Engineer Ken Kloeber inspected the Kuhn property on Boston State Road. The Army Corps of Engineers granted a permit to fill in the wet lands on May 28, 1999. Mr. Kuhn indicated that he hopes to be done by the end of summer.

Town Attorney Perley noted the renewal process does not require a public hearing and a renewal permit is subject to revocation by the Town Board if it is deemed that there is not adequate compliance of the original plans.

A motion was made by Supervisor Rood and seconded by Councilman Mead to approve a fill permit extension for Jeff Kuhn to July 1, 2000 and schedule an inspection in the later part of September.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to refer to the Planning Board for review and recommendation, a request from Larrie and Linda Palmer to rezone a 252.87 ft. x 308.56 ft. portion of 39.28 acres at 5493 South Feddick Road from R-A to C-1.

five (5) Ayes Carried

Received a request from Mr. & Mrs. Russell Bosinski, 5790 Herman Hill Road for a second accessory building. In response to Town Attorney Perley's inquiry, Code Enforcement Officer Kramer confirmed that this request only requires Town Board approval.

A motion was made by Councilman Mead and seconded by Supervisor Rood to grant a request from Mr. & Mrs. Russell Bosinski, 5790 Herman Hill Road for a second accessory building.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to approve the request of Geannine Randon, 6738 Hillcroft Drive to block off East Hillcroft Drive on Saturday, June 19, 1999 for a street party between 2:30 p.m. and 5:30 p.m. and direct the Town Clerk to notify all emergency, police and fire departments.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to appoint the following as Patchin Fire Police, term to expire upon resignation, removal or replacement.

Thomas C. Kreuder	Dennis J. Hughey	James A. Brockman
Gorden R. Cruse	Richard K. Hawkins	Pete Lindner

five (5) Ayes Carried

Town Attorney Perley commented that the North Boston Fire Company is allowed, under provisions in the IRS Code, to offer tax free bonds for the purchase of fire equipment upon approval of the Town of Boston, a governmental unit having jurisdiction. In the opinion of the Town Attorney, the North Boston Fire Company has adequately justified the need to purchase equipment and justified the ability to raise money for the purchase.

**RESOLUTION 1999-15 A RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE NORTH BOSTON VOLUNTEER FIRE COMPANY**

**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

**NUMBER 1999-14**

**A Resolution Rescinding Resolution No. 1999-10**

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 16<sup>th</sup> day of June, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

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

Supervisor Rood presented the following Resolution and moved its adoption:

**WHEREAS** At its regular Meeting on the 19<sup>th</sup> day of May, 1999 the Town Board of the Town of Boston adopted Resolution No. 10 for the year 1999 renaming Smolinski Drive in the Town of Boston Douglas Drive, and

**WHEREAS:** Prior to adopting said Resolution there was miscommunication concerning whether owners of property adjacent to or fronting on Smolinski Drive consented to such name change; and

**WHEREAS** The Town Board has had further contact with said property owners,

**NOW THEREFORE BE IT RESOLVED** that Resolution No. 10 for the Year 1999 entitled **A Resolution Re-naming Smolinski Drive in the Town of Boston, New York** be and the same is hereby rescinded, nullified and rendered void and without effect.

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

<b>Supervisor Rood</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Mead</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Simmeth</b>	<b>Voting:</b>	<b>Aye</b>

Councilman Tills  
Councilman Wiktor

Voting: Aye  
Voting: Aye

AYES: 5      NOES: 0      ABSENT: 0

  
David J. Shenk-Town Clerk  
By Karen A. Ellis, Deputy Town Clerk

**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

NUMBER 1999-15

**A Resolution Approving the Issuance of Bonds by the North Boston Volunteer Fire Company**

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 16<sup>th</sup> day of June, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

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

**Councilman Wiktor presented the following Resolution and moved its adoption:**

**WHEREAS:** Pursuant to the Town Law of the State of New York the Town Board of the Town of Boston ("the Town Board") constitutes the governmental unit of the Town of Boston Fire Protection District; and

**WHEREAS:** The North Boston Volunteer Fire Company, Inc. regularly enters into contracts with the Town Board for the purpose of providing fire protection to the Town of Boston Fire Protection District; and

**WHEREAS:** The North Boston Fire Company, Inc. has entered into an agreement to purchase a new fire truck and to issue Bonds for said purpose; and

**WHEREAS:** The North Boston Fire Company, Inc. has conducted a public hearing with respect to the proposed method of financing; and

**WHEREAS:** Representatives of the North Boston Fire Company, Inc have met with the Town Board and made a presentation regarding the issuance of said Bonds and the financial plan of the Company for the purchase of the said truck and the financing thereof; and

**WHEREAS:** The Town Board has reviewed unaudited financial statements of the North Boston Fire Company in connection with aid presentation; and

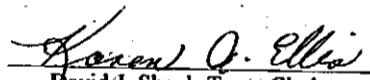
**WHEREAS:** The presentation by the North Boston Volunteer Fire Company, Inc. demonstrated to the Town Board a feasible plan for the purchase of the said fire truck and the financing thereof.

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Boston hereby approves the issuance of Bonds by the North Boston Volunteer Company in the amount of \$95,000.00 for the purpose of purchasing a new fire truck for use by the said company for the purpose of providing fire protection in the Town of Boston Fire Protection District.

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

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

AYES: 5      NOES: 0      ABSENT: 0

  
David J. Shenk-Town Clerk  
By Karen A. Ellis, Deputy Town Clerk

# TOWN OF BOSTON



## TOWN OF BOSTON RESOLUTION 1999-16

### SUPPORT FOR THE ELIMINATION OF THE SUNSET PROVISION OF THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF)

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, on the 16th day of June, 1999 at 7:30 p.m., there were:

<b>PRESENT:</b>	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Stephen K. Tills	Councilman
	Karl J. Simmeth	Councilman
	Dennis J. Mead	Councilman

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

**WHEREAS**, the Local Government Records Management Improvement Fund was created in 1989 to provide technical assistance and grants to establish, improve or enhance records management programs in New York's more than 4300 local governments, and

**WHEREAS**, a sunset date for the LGRMIF was established in the original legislation to permit its operation as a five-year experiment, and

**WHEREAS**, a LGRMIF operated successfully and supported essential advisement and grants projects signally to improve the management of records and information in local governments, and

**WHEREAS**, the New York State Legislature in 1995 extended the sunset date to December 31, 2000, and

**WHEREAS**, the LGRMIF and the programs it supports continue to operate at a high standard of excellence and provide direct and significant benefit to local governments at no cost to the taxpayers, and

**WHEREAS**, the Town of Boston has benefitted from technical assistance, training, publications and grants totaling \$37,667 supported by the LGRMIF, and

**WHEREAS**, the LGRMIF continues to be critically import in the fulfillment of the many records and information-related responsibilities of the Town of Boston, therefore,

**BE IT RESOLVED**, that the Boston Town Board supports the elimination of said sunset provision of December 31, 2000 in order to make the LGRMIF permanent.

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be sent to Senator Dale Volker, Assemblyman Richard Smith, Assemblyman Michael Bragman, Assemblyman Paul A. Tokasz and SARA's Regional Office, Buffalo, New York.



REGULAR BOARD MEETING  
JUNE 16, 1999

TOWN HALL  
7:30 P.M.

Supervisor Rood commented that the Town of Boston has been the recipient of many Record Management Grants and that the elimination of the Sunset Provision of the Local Government Records Management Improvement Fund would make the fund permanent.

**RESOLUTION 1999-16 SUPPORT FOR THE ELIMINATION OF THE SUNSET PROVISION OF THE LOCAL GOVERNMENT RECORDS MANAGEMENT IMPROVEMENT FUND (LGRMIF)**

A motion was made by Councilman Tills and seconded by Councilman Mead to accept the resignation of Boston Superintendent of Highways Ruchalski effective July 31, 1999.

five (5) Ayes

Carried

Supervisor Rood noted that Highway Superintendent Ruchalski recommends that Wayne Kreitzbender be appointed to complete his term from August 1, 1999 to December 31, 1999. Letters of interest have been received for this position and the Town Board will schedule interviews.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to refer to the Planning Board and the Conservation Advisory Council for review and recommendation, a revised site plan for "Glad Your Hair", 7166 Boston State Road.

five (5) Ayes

Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to accept the resignation of Court Officer John Politowski effective June 28, 1999, contingent upon written resignation to the Town Clerk.

five (5) Ayes

Carried

Supervisor Rood directed the Town Clerk to advertise for the position of Court Officer and send a thank you letter to John Politowski for his years of service.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to refer to the Planning Board and the Conservation Advisory Council for review and recommendation, a site plan from William Brunner for a restaurant at 7171 Boston State Road.

five (5) Ayes

Carried

Received and filed a request from Margaret Andrzejewski, 7695 Wohlhueter Road, to serve as an alternate member on the Planning Board, Zoning Board of Appeals or Conservation Advisory Council, with a preference toward the Conservation Advisory Council.

**SUPERVISOR REPORT**

A) Supervisor Monthly Reports for May 1999 was received and is on file in Clerk's Office.

Supervisor Rood reported that regarding Water District #2, the painting of the tank has been completed and the process of filling the tank will begin on June 17, 1999 with an expected completion date of June 21, 1999. Samples will be taken after chlorination.

Supervisor Rood announced that she accepted with gratitude a \$1,500 check from the Welcome Wagon for the Creative Playground fund. The funds were raised from a quilt raffle and the annual plant sale.

Supervisor Rood announced that the inmates from the Collins Correctional facility are scheduled next week to work on the nature trail and paint the baseball diamond backstops and Lions Shelter.

REGULAR BOARD MEETING  
JUNE 16, 1999

TOWN HALL  
7:30 P.M.

SUPERVISOR REPORT (CONT.)

Received and filed a report from Deputy Code Enforcement Officer Lisowski on the June 1, 1999 Mobile Home inspection of the Falkides and Boyd Parks. The Falkides Park was in excellent condition and Katherine Falkides assured that the three (3) minor repairs would be done as soon as possible. The Boyd Park had fifteen (15) problems some of which had been cited in previous years.

Supervisor Rood noted that copies of the inspection report should be sent to each park owner.

Councilman Wiktor complimented Mr. & Mrs. Falkides on their park and noted that residents in Mr. Boyd's Park asked the Town Board to help clean up Boyd's park.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to renew the license for Boston Hills Homes and Estates Mobile Home Park, effective July 1, 1999 to June 30, 2000.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to extend the current license of Richard and Joy Boyd for forty-five (45) days, subject to receipt of the license fee. A reinspection date will be set at the July Town Board Meeting.

five (5) Ayes Carried

TOWN CLERK REPORT

Received and filed the Tax Collection Report for May 1999.

HIGHWAY SUPERINTENDENT REPORT

Highway Crew Chief Kreitzbender reported that the signs requested by Councilman Simmeth for the Boston Cross Road playground area have been delivered and will be installed before the summer recreation program begins.

TOWN ATTORNEY REPORT

Town Attorney Perley thanked Chamber President, Karen Ellis for an excellent Chamber of Commerce banquet honoring Richard Kennedy.

Town Attorney Perley announced that on June 17, 1999, the Orchard Park Symphony Orchestra will open the Orchard Park Council of the Arts Pavilion Summer Concert Series. Everyone is invited to attend the free concerts.

COUNCILMAN REPORT

Councilman Mead thanked the media for printing the advertisements for alternate members for the Boston Boards.

Councilman Mead was honored to attend the Chamber of Commerce banquet honoring Richard Kennedy and present a Town of Boston Resolution for the Citizen of the Year.

Councilman Wiktor announced that the Patchin Fire Company is holding an open house and Thermal Imaging Camera Dedication on Saturday, June 26, 1999 at 12:00 p.m.

Councilman Wiktor congratulated the North Boston Fire Company for receiving a \$500 grant from Bell Atlantic to purchase a semi-automatic cardiac defibrillator. This is another instance of our volunteer fireman looking out for the safety of our residents and pursuing grants as opposed to recent articles stating volunteer fire companies and EMS are at the opposite ends of care.

REGULAR BOARD MEETING  
JUNE 16, 1999

TOWN HALL  
7:30 P.M.

COUNCILMAN REPORT

Councilman Wiktor announced a \$1,000 matching fundraising grant was received from Prudential Insurance Company for our emergency squad. The information was forwarded to the emergency squad.

Councilman Wiktor reported that he has received calls regarding the condition of Kenny Decker's old house on Boston State Road (9177 State Road, SBL# 242.17-1-13) and inquired as to who would be responsible for maintenance.

Town Attorney Perley responded that he will attempt to locate the party responsible for maintaining the property.

Councilman Simmeth reported he received a call from a resident regarding a safety issue at the intersection of Herman Hill Road and Route 391 and will contact the NYS DOT.

Councilman Simmeth reported the CAC is working on a project to improve the triangle area at South Abbott and Boston State Roads. CAC Chairman Bifaro is aware of the project and Mary Alice Tock is the chairman. Councilman Simmeth contacted Erie County Highway District Engineer, Gary Kane who gave permission to install a split rail fence, flowers and a boulder.

Councilman Simmeth announced that the Erie County and NEST Household Hazardous Waste drop-off is Saturday, June 19, 1999 at ECC South from 9:00 a.m. to 2:00 p.m. Councilman Simmeth thanked the press for advertising the event.

Councilman Simmeth congratulated Todd Schunk for securing the \$500 grant from Bell Atlantic Company for the North Boston Fire Hall.

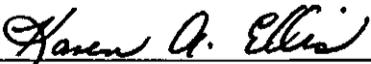
Councilman Tills reported that he attended the fundraiser for the family of Michael Meckes on Sunday, June 13, 1999 and thought it was a great reflection of community spirit on behalf of the family.

Chris Bifaro, Conservation Advisory Council Chairman commented that he would like the Town Board and the Planning Board to be aware that regarding the "Glad Your Hair" project, William Brunner is in violation of his certification from the NYS DOT. The driveway was certified for a twenty-four (24) foot approach and it has been expanded to thirty-four (34) feet. Chris Bifaro notified the DOT and they measured and determined that he is in fact in violation and they are not happy.

Supervisor Rood responded that the Town Board is aware of the problem.

Councilman Simmeth requested CAC Chairman Bifaro forward this information to the Planning Board.

A motion was made by Councilman Simmeth and Councilman Mead to adjourn the meeting at 8:26 p.m.

  
KAREN A. ELLIS, DEPUTY TOWN CLERK

REGULAR BOARD MEETING  
JULY 21, 1999

TOWN HALL  
7:30 P.M.

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

Absent: Councilman Dennis J. Mead

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the June 16, 1999 monthly meeting.

four (4) Ayes

Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #7, dated July 21, 1999 in the amount of \$273,807.32 be paid.

four (4) Ayes

Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills, upon review by the Town Board, that the Highway Bills on Abstract #7, dated July 21, 1999, amount of \$19,846.27 be paid.

four (4) Ayes

Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to accept the Town Clerk's Report for June 1999.

four (4) Ayes

Carried

Received and filed notification of Application for a Beer and Wine License Renewal from Mariano's Pizzeria and Restaurant.

Received and filed a City of Buffalo Common Council Resolution requesting the Elimination of Sales Tax on Shoes and Clothing.

Received and filed notification of a rate change and service information from Adelphia Cable.

Councilman Tills noted that he and Town Attorney Perley will meet with Thomas Haywood, Regional General Manager of Adelphia Cable, to discuss the rate increases and present a report to the Town Board.

Supervisor Rood commented that cable rates are reaching their limits and cable companies are pricing services too high. A Public Hearing will be held in September to discuss contract renewals with Adelphia and Supervisor Rood hopes the public will attend and voice their concerns.

Town Attorney Perley commented that Councilman Tills has been working on a questionnaire for people unable to attend the Public Hearing.

Received and filed notification from NYS Education Department of a Local Government Records Management Grant for \$4,153.

Town Clerk Sherk commented that he will schedule meetings with the Regional Director, Department Heads and hire a consultant to assist in the preparation of a Disaster Plan.

Supervisor Rood read a letter dated June 30, 1999 from the Town Board to Richard and Joy Boyd regarding the Mobile Home Park License inspection report and the scheduling of a re-inspection.

The Town Clerk was directed to notify Richard and Joy Boyd that the re-inspection of the mobile home park is scheduled for August 16, 1999 at 6:15 p.m.

# TOWN OF BOSTON



## TOWN OF BOSTON RESOLUTION 1999-17

### OPPOSITION TO BLUE CROSS-BLUE SHIELD AND COMMUNITY BLUE PRESCRIPTION NETWORK PLAN

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, on the 21st day of July, 1999 at 7:30 p.m., there were:

<b>PRESENT:</b>	Lisa M. Rood	Supervisor
	Damian P. Wiktor	Councilman
	Stephen K. Tills	Councilman
	Karl J. Simmieth	Councilman
<b>ABSENT:</b>	Dennis J. Mead	Councilman

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

**WHEREAS**, Blue Cross-Blue Shield of Western New York has announced changes to its prescription program, whereby subscribers will be required to have all prescriptions filled at a "network pharmacy" in most cases, meaning at one or two particular pharmacy chains; and

**WHEREAS**, Tops Markets Pharmacy and Rite-Aid Pharmacy have been selected as the pharmacies of choice, the nearest of either of these two facilities for the residents of the Town of Boston would be in the Town of Hamburg or the Village of Springville - a distance of at least ten miles - thus eliminating the convenience of the local pharmacy within the Town of Boston; and

**WHEREAS**, Blue Cross-Blue Shield of Western New York has announced a new, only limited, pharmacy network in addition with the two projected pharmacies that Blue Cross-Blue Shield has already selected; and

**WHEREAS**, as Blue Cross-Blue Shield has stated, "It's our responsibility to take care of our members." This network pharmacy endeavor greatly reduces the patient's choice of pharmacy, presents an inconvenience and removes the pharmacist-patient relationship that is so important with the dispensing of medication.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Boston does

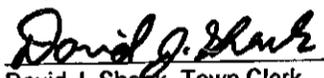
hereby request that Blue Cross-Blue Shield of Western New York eliminate this projected network pharmacy proposal and allow subscribers to secure their medications from the pharmacies of their choice; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to forward certified copies of this resolution to Blue Cross-Blue Shield of Western New York, the New York State Department of Insurance and the New York State Attorney General.

Resolution was seconded by Supervisor Rood and put to a vote, as follows:

Supervisor Rood	Voting <u>AYE</u>
Councilman Wiktor	Voting <u>AYE</u>
Councilman Tills	Voting <u>AYE</u>
Councilman Simmeth	Voting <u>AYE</u>

Ayes: 4      Absent: 1      Noes: 0      Carried

  
David J. Shenk, Town Clerk

REGULAR BOARD MEETING  
JULY 21, 1999

TOWN HALL  
7:30 P.M.

The following bids for the Demolition and Removal of the buildings at Tax Map #258.09-1-10, 6710 Mill Street, were received and read aloud on July 15, 1999 at 10:00 a.m.:

Company	NC	Price
Eastwood Industries	X	\$ 7,345.00
Cambria Contracting	X	13,875.00
Cleveland Wrecking	Signed no seal	27,309.00

Town Attorney Perley reported that next week is the anticipated closing for the sale of 6710 Mill Street to the Boston Fire Co.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to award the contract for the Demolition and Removal of the buildings at Tax Map #258.09-1-10, 6710 Mill Street, to Eastwood Industries for \$7,345.00.

four (4) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to direct the Town Clerk to send a Notice to Proceed with the Demolition and Removal of the buildings at Tax Map #258.09-1-10, 6710 Mill Street, to Eastwood Industries to begin on August 17, 1999 unless the property has been transferred or otherwise instructed by Supervisor Rood.

four (4) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant Denise Lucas, President of the Hamburg All - Breed Obedience Club, use of the Lions Shelter and Town Park for a dog show on Sunday, September 26, 1999 from 7:00 a.m. to 5:00 p.m.

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to grant the Boston Youth Baseball and Softball Leagues use of the Lions Shelter for a Coach's Appreciation Party on Friday, August 27, 1999 from 5:00 p.m. to midnight, contingent upon receipt of a Certificate of Insurance.

four (4) Ayes Carried

Supervisor Rood read a letter from Carol and Kenton Clulow, 6273 Boston Ridge Road, with an attached petition of 659 signatures opposed to a Blue Cross/Blue Shield proposal to exclude CVS North Boston Pharmacy from their drug rider electronic network.

**RESOLUTION 1999-17 OPPOSITION TO BLUE CROSS/BLUE SHIELD AND COMMUNITY BLUE PRESCRIPTION NETWORK**

Councilman Wiktor commented that he received complaints regarding this issue and feels that the relationship between patients, doctors and pharmacies are a continuation of the health care policy which should be considered one unit and not separated as proposed.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to approve a request from Linda L. Dunmire, 6668 Redwing Drive for a second accessory building, subject to a variance from the Zoning Board of Appeals.

four (4) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to accept the resignation of Recreation Director Gerald O'Brien effective August 31, 1999.

four (4) Ayes Carried

REGULAR BOARD MEETING  
JULY 21, 1999

TOWN HALL  
7:30 P.M.

Supervisor Rood read a letter requesting a leave of absence from Assessor William A. Eagan, commenting that Assessor Eagan has been appointed to a county position. In the event County Executive Gorski loses the November Election, Mr. Eagan would like to complete his term as Assessor in the Town of Boston.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to grant a leave of absence without pay to Assessor William A. Eagan, effective August 1, 1999 to November 31, 1999, expressing disappointment that the Town Board is limited in the action allowed to take in response to his request.

Councilman Wiktor	Voting	Aye
Councilman Mead	Voting	Absent
Councilman Simmeth	Voting	Aye
Councilman Tills	Voting	Aye
Supervisor Rood	Voting	No

three (3) Ayes      one (1) Nay      one (1) absent      Carried

Supervisor Rood commented that she would prefer a letter of resignation.

#### SUPERVISOR REPORT

A) Supervisor's monthly Bank Account Report for June 1999 was received and is on file in the Clerk's Office.

Supervisor Rood announced that Highway Superintendent Ruchalski has submitted his resignation effective July 31, 1999.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to schedule a Special Town Board meeting for Sunday, August 1, 1999 at 8:00 p.m. to appoint a Highway Superintendent, term effective August 1, 1999 to December 31, 1999.

four (4) Ayes      Carried

Supervisor Rood reminded everyone that the first annual Hillfest is July 24th and 25th and should be a fun filled event.

Supervisor Rood reported that on July 20, 1999 she attended the EC Water Authority's annual meeting and ribbon cutting ceremony for the Sturgeon Point Pump Station and Tank. An article in the "Talk of the Towns" magazine stated that the average price for one (1) thousand gallons of water for the twenty (20) complete filtration systems surveyed in NYS was \$2.60. The average price of our (Erie County Water Authority) water is \$2.32 per thousand gallons. Because Depew has been consolidated into the EC Water Authority system and Clarence and other smaller towns are under negotiations, it is possible that there will not be a hydrant increase as anticipated.

The following bids were received for the paving of the Lions Shelter:

Gauthier Black Top	\$9,790.00
Tom Greenauer Development, Inc.	\$9,675.00
Louis Del Prince & Sons, Inc.	\$8,030.00

A telephone poll taken of all Town Board Members on June 21, 1999 resulted in an unanimous vote to award the project to Louis Del Prince & Sons, Inc. for \$8,030.00.

Supervisor Rood commented that Del Prince & Sons were scheduled to pave the Lions Shelter on June 30, 1999 but rescheduled to July 7, 1999 which affected the Summer Concert Series. The work to date has been unsatisfactory and when rectified the bill will be paid.

**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

NUMBER 1999-18

**A Resolution Approving the Final Notice of Intent for Water District No. 3**

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 21<sup>st</sup> day of July, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

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

Absent:

Supervisor Rood presented the following Resolution and moved its adoption:

BE IT RESOLVED by the Town Board of the Town of Boston that the Final Notice Of intent prepared for Water District No. 3 in the Town of Boston being the same is hereby approved.

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

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

AYES: 5      NOES: 0      ABSENT: 0

*David J. Sfenk*

David J. Sfenk-Town Clerk

**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

**NUMBER 1999-19**

**A Resolution authorizing Out of District Water Service to 6700 1E Liebler Road (S/B/L No. 227.00-5-29) in the town of Boston, New York Water District No. 1**

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 21<sup>st</sup> day of July, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

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

**Councilman Simmeth presented the following Resolution and moved its adoption:**

**WHEREAS:** Shane E. & Sandra L. Quinlan, the owners of property locally known as 6700 1E Liebler Road, Boston, New York also listed under S/B/L No. 227.00-5-29, which said property is situated outside of any existing water district in the Town of Boston; and

**WHEREAS:** the Erie County Water Authority has agreed to provide water service the property through Water District No. 1 subject to execution of an Out of District Customer Agreement; and

**WHEREAS:** the Town Engineer for the Town of Boston and the Erie County Water Authority have reached a consensus that there is minimally sufficient water pressure available to said property at the present time, however, neither the Town of Boston or the Erie County Water Authority hereby make any representation regarding the adequacy of said service.

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Boston as Commissioners of Water District No. 1 of the Town of Boston and all Extensions thereof hereby authorize the Supervisor to execute an Out of District Customer Agreement in a form acceptable to the Erie County Water Authority.

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

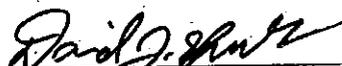
Supervisor Rood  
Councilman Mead  
Councilman Simmeth  
Councilman Tills  
Councilman Wiktor

Voting: Aye  
Voting: Absent  
Voting: Aye  
Voting: Aye  
Voting: Aye

AYES: 4

NOES: 0

ABSENT: 1

  
David J. Shenk-Town Clerk

REGULAR BOARD MEETING  
JULY 21, 1999

TOWN HALL  
7:30 P.M.

69

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to authorize Supervisor Rood to pay Louis Del Prince & Sons, Inc. \$8,030.00 when work on the Lions Shelter has been satisfactorily corrected.

four (4) Ayes

Carried

Supervisor Rood reported that the Zimmerman Road water tank for the Water District #2 Extension was filled and tested in June but due to a paint residue problem the tank was emptied for curing. The tank was ready to be refilled on July 15, 1999 but due to the drought, the Erie County Water Authority was unable to fill it. The conditions have now subsided and the filling of the tank began today, July 21, 1999. Water should be available for hydrants and fire protection next week.

Supervisor Rood commended retiring Highway Superintendent Ruchalski on his service to the town and wished him a wonderful and happy retirement.

TOWN CLERK REPORT

A) Tax Collector's monthly Report for June 1999 was received and is on file in the Clerk's Office.

Town Clerk Shenk thanked Deputy Clerk Karen Ellis for covering the Town Clerk's office during his military leave in the month of June.

Town Clerk Shenk announced NYS Conservation licenses will be going on sale Monday, August 16, 1999 and there has been no notification of the proposed fee increase.

Town Clerk Shenk commented that he is proud of the non-political relationship he has enjoyed with retiring Highway Superintendent Ruchalski over the past eight years and wished him luck.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Ruchalski thanked everyone and noted it was a pleasure to work with the Town Board.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the NYS Department of Agriculture and Markets offered no objections or substantive changes in the Preliminary Notice of Intent for Water District #3.

**RESOLUTION 1999-18 APPROVAL OF FINAL NOTICE OF INTENT FOR  
WATER DISTRICT #3**

Town Attorney Perley was requested to research the status of property on 9177 Boston State Road which is not being maintained and is owned by Joseph Sumbrum. There is a notice of pendency for foreclosure but there has been no activity on this for over a year. A judgement has not been filed.

Town Clerk Shenk responded that the 1999 Town and County taxes have not been paid however the bill and delinquent notices were not returned so it is assumed there is a mail forward.

Town Attorney Perley commented that Mr. & Mrs. Quinlan, 6760-IE Liebler Road, (SBL # 227.00-5-29) are requesting to be a Water District No. 1, Out of District customer. Town Engineer Harris and the Erie County Water Authority acknowledge that the water pressure will be adequate for this residential service.

**RESOLUTION 1999 - 19 A RESOLUTION AUTHORIZING OUT OF DISTRICT  
WATER SERVICE TO 6760-IE LIEBLER ROAD (SBL # 227.00-5-29), IN THE  
TOWN OF BOSTON, WATER DISTRICT NO. 1**

REGULAR BOARD MEETING  
JULY 21, 1999

TOWN HALL  
7:30 P.M.

Town Attorney Perley reported that the Town has received funds through the Army Corps of Engineers to purchase riparian land to replace wet lands altered by the project of Jeff Kuhn on Boston State Road. Town Attorney Perley gave a history of the negotiations between the town, Boston Hill LLC and the Vincent Bonerb Estate for the purchase of property on Hillcroft Drive on the east bank of 18 mile Creek to complete a continuous area of the town park for construction of a trail.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize Supervisor Rood to execute all documents necessary and tender funds in the amount of \$20,000 plus tax adjustments to Boston Hill LLC for the purchase of the property, SBL #241.02-1-29 (2.43) acres, subject to the following conditions:

- 1) that the Town Attorney certify a clear title.
- 2) that the Supervisor and Town Attorney are satisfied that the available property (owned by Bonerb Estate) to make this land canteens to the town park can be obtained by the Town of Boston in a reasonable and timely basis prior to the closing of the transaction.

four (4) Ayes

Carried

Supervisor Rood noted the Army Corps of Engineers is the sole agency that determines whether or not a wetland can be filled in. The town has nothing to do with this determination. Supervisor Rood gave an update on the future plans for the park and trails.

Town Attorney Perley commended Highway Superintendent Ruchalski on his service to the town, and noted it was a pleasure working with him.

#### COUNCILMAN REPORT

Councilman Wiktor complemented the Boston Girls Baseball Association, the officers, members, volunteers and team players for the recent tournament on July 10th & 11th at the Town Hall Park and the Parks Dept. for the fine work done on the baseball diamonds.

Councilman Wiktor thanked Recreation Director O'Brien for a fine job on the Summer Concert Series in the Town Hall Park.

Councilman Wiktor reported that on June 26, 1999 he and members of the Town Board attended the Patchin Fire Company open house for the Thermal Imaging Camera dedication.

Councilman Wiktor announced that 341 children have been registered for the summer recreation program. Each site is running at about 85% occupancy.

Councilman Wiktor reported that he attended the initial union negotiation meeting between the Town of Boston and the Highway Department. The meeting was positive, setting the tone for future meetings.

Councilman Wiktor inquired if the Erie County Highway Department is going to address the shoulders on Boston State Road. Highway Superintendent Ruchalski responded that the paving on Zimmerman Road will be done next and then all the shoulder work will be completed in approximately a month.

Councilman Wiktor congratulated Highway Superintendent Ruchalski on his retirement

Councilman Simmeth reported that he contacted a Niagara Mohawk representative concerning a drainage problem on South Greenbrier Terrace caused by a ditch that is plugged.

**REGULAR BOARD MEETING  
JULY 21, 1999**

**TOWN HALL  
7:30 P.M.**

Councilman Simmeth reported that he contacted NYS DOT Traffic Engineer Charles Smith regarding the traffic problem at the North Boston intersection and is waiting for an answer.

Councilman Simmeth reported that Erie County Traffic Engineer Dubin has informed him that deer crossing signs will be installed on Lower East Hill and Boston Colden Roads.

Councilman Simmeth thanked the Patchin Fire Company for inviting the Town Board to the dedication of the Thermal Imaging Camera.

Councilman Simmeth thanked Highway Superintendent Ruchalski for the fine job he has done.

Supervisor Rood announced that the patchin Fire Company will have a demonstration of the Thermal Imaging Camera at the Hillfest.

Councilman Tills announced that regarding the Hillfest on July 24th and 25th, if anyone is interested in being involved there are still duties left to cover and spots open for the dunk tank.

Highway Superintendent Ruchalski thanked his Crew Chief Wayne Kreitzbender noting that he has recommended him as his replacement and that he is well trained for the job.

**CODE ENFORCEMENT OFFICERS REPORT**

- A) Code Enforcement Officers monthly report for June 1999 was received and is on file in the Clerk's Office.

**DOG CONTROL OFFICERS MONTHLY REPORT**

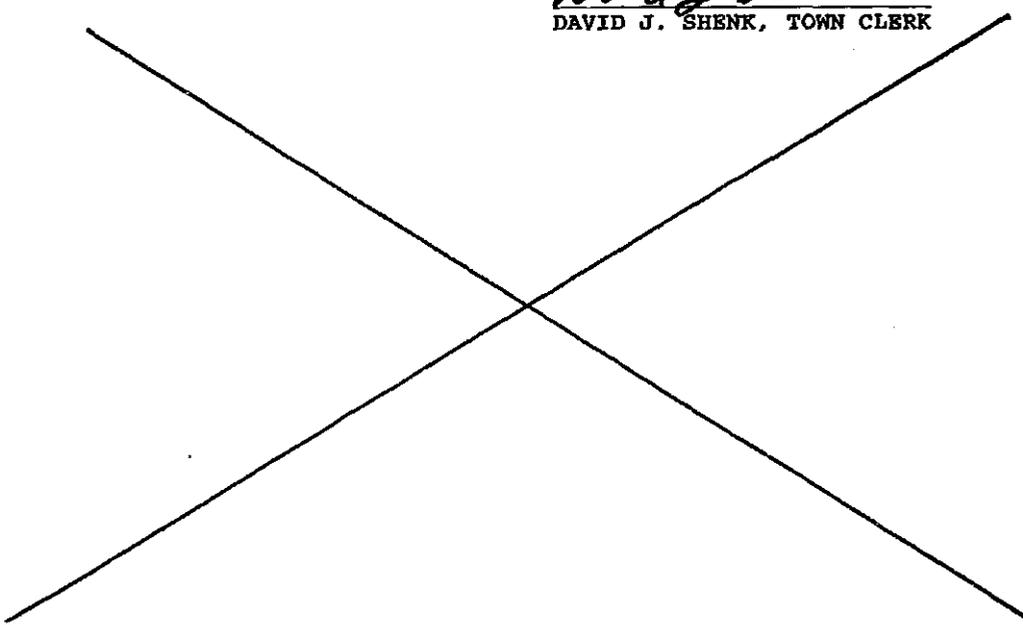
- A) Dog Control Officers monthly report for June 1999 was received and is on file in the Clerk's Office.

**TOWN ENGINEER REPORT**

- A) Town Engineer's monthly report for June 1999 was received and is on file in the Clerk's Office.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adjourn the meeting at 8:50 p.m.

*David J. Sherk*  
DAVID J. SHENK, TOWN CLERK



SPECIAL BOARD MEETING  
AUGUST 1, 1999

TOWN HALL  
8:00 P.M.

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

Absent: Councilman Stephen K. Tills

Supervisor Rood read the legal notice calling this special meeting.

Supervisor Rood commented that the Town Board passed a motion at the July 21, 1999 regular meeting to call this special meeting.

Supervisor Rood read the letters of application from Richard A. Poore and Wayne C. Kreitzbender to fill the vacancy of retiring Superintendent of Highways Eugene E. Ruchalski. Supervisor Rood commented that both candidates received interviews.

A motion was made by Councilman Simmeth and seconded by Supervisor Rood to appoint Wayne C. Kreitzbender as Superintendent of Highways, effective August 1, 1999 and to expire December 31, 1999.

four (4) Ayes

Carried

Town Attorney Perley administered the oath of office to Wayne C. Kreitzbender.

**RESOLUTION 1999-20 WATER DISTRICT NO. 3 SUBMISSION TO NYS AUDIT AND CONTROL**

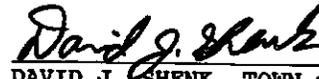
Supervisor Rood commented that the Town Board has recently completed interviews for positions available in the town.

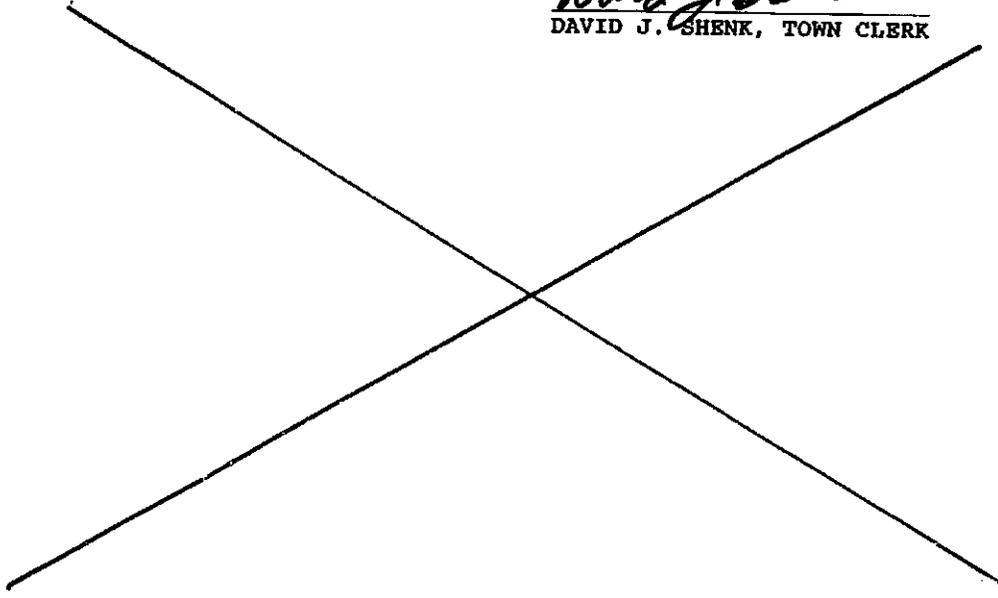
A motion was made by Supervisor Rood and seconded by Councilman Mead to appoint Thelma Hornberger to the position of Acting Assessor at a salary of \$1,000 per month, term effective August 1, 1999 and to expire on November 31, 1999, contingent upon her filing an ethics agreement acceptable to the Town Attorney and meeting the guidelines set by the Attorney General.

four (4) Ayes

Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adjourn the meeting at 8:11 p.m.

  
DAVID J. SHENK, TOWN CLERK



**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

**NUMBER 1999-20**

**WATER DISTRICT NO. 3 SUBMISSION TO NYS AUDIT AND CONTROL**

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 1<sup>st</sup> day of August, 1999 at 8:00 o'clock in the evening Eastern Prevailing Time there were:

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

**Councilman Wiktor presented the following Resolution and moved its adoption:**

**BE IT RESOLVED** that the Town Board of the Town of Boston hereby certifies that:

1. The Application to the Comptroller for the approval of Water District No.3 in the Town of Boston, dated March 17, 1999 was prepared at the direction of the Town Board of the Town of Boston; and
2. The Town Board of the Town of Boston believes the contents of said Application are accurate; and
3. The Town Board herewith finds and determines that the formation of the District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and
4. That all real property assessed for the cost of the said Water District No. 3 will be benefited by the formation of said District; and
5. That no benefited property has been excluded from the said District; and

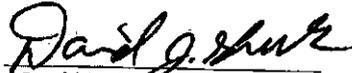
**BE IT FURTHER RESOLVED** that the Town Board of the Town of Boston hereby authorizes the Supervisor to execute the Application to the Office of the New York State Comptroller to approve the formation of Water District No. 3 in the form as presented to the Board by the Town Attorney.

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

Supervisor Rood  
Councilman Mead  
Councilman Simmeth  
Councilman Tills  
Councilman Wiktor

Voting: Aye  
Voting: Aye  
Voting: Aye  
Voting: Absent  
Voting: Aye

AYES: 4      NOES: 0      ABSENT: 1

  
David J. Shenk-Town Clerk

# TOWN OF BOSTON



## TOWN OF BOSTON

### RESOLUTION NUMBER 1999-21

#### HISTORIC STEEPLE PRESERVATION PLAN

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 16th day of August, 1999 at 7:00 p.m., there were present:

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

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

**RESOLVED**, that the Supervisor of the Town of Boston is hereby authorized to execute an application for funding assistance for a plan to preserve the steeple on the Town of Boston's Historical Building, and

**RESOLVED**, that this funding assistance will be requested under the Rural New York Planning and Preservation Grant Program, under the program area of Community Building Preservation.

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

Supervisor Rood	Voting	<u>Aye</u>
Councilman Wiktor	Voting	<u>Aye</u>
Councilman Tills	Voting	<u>Aye</u>
Councilman Simmeth	Voting	<u>Aye</u>
Councilman Mead	Voting	<u>Aye</u>

Ayes: 5                      Noes: 0                      Carried

  
David J. Shenk, Town Clerk

# TOWN OF BOSTON



## TOWN OF BOSTON

### RESOLUTION NUMBER 1999-22 LOCAL MASTER PLAN INITIATIVE

At a Special Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 16th day of August, 1999 at 7:00 p.m., there were present:

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

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

**RESOLVED**, that the Supervisor of the Town of Boston is hereby authorized to execute an application for funding assistance for updating of the Town of Boston's Master Plan, and

**RESOLVED**, that this funding assistance will be requested under the Rural New York Planning and Preservation Grant Program, under the program area of Economic/Community Planning.

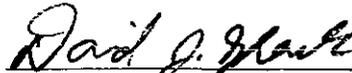
Resolution was seconded by Councilman Simmeth and duly put to a vote, as follows:

Supervisor Rood	Voting	<u>Aye</u>
Councilman Wiktor	Voting	<u>Aye</u>
Councilman Tills	Voting	<u>Aye</u>
Councilman Simmeth	Voting	<u>Aye</u>
Councilman Mead	Voting	<u>Aye</u>

Ayes: 5

Noes: 0

Carried

  
David J. Shenk, Town Clerk

SPECIAL BOARD MEETING  
AUGUST 16, 1999

TOWN HALL  
7:00 P.M.

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

Absent: Superintendent of Highways Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

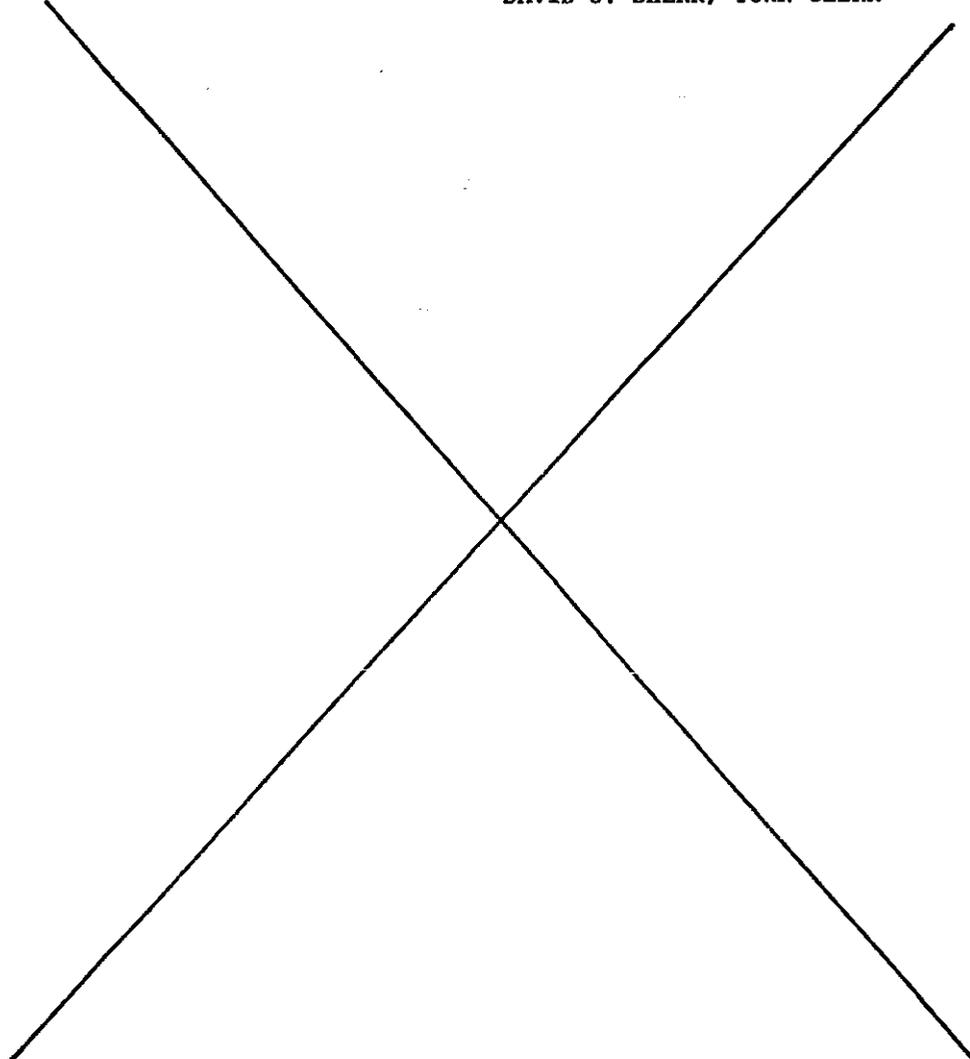
Supervisor Rood read the legal notice calling this special meeting.

RESOLUTION 1999-21 HISTORIC STEEPLE PRESERVATION PLAN

RESOLUTION 1999-22 LOCAL MASTER PLAN INITIATIVE

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to adjourn the meeting at 7:13 p.m.

*David J. Shenk*  
DAVID J. SHENK, TOWN CLERK



REGULAR BOARD MEETING  
AUGUST 18, 1999

TOWN HALL  
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the regular monthly meeting of July 21, 1999 and the Special meeting of August 1, 1999.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #8, dated August 18, 1999 in the amount of \$119,443.26 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #8, dated August 18, 1999, amount of \$34,547.22 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to accept the Town Clerk's Report for July 1999.

five (5) Ayes Carried

Received and filed notification of an application for a Liquor License from Suzanne Koestler and Kevin Kelly, Boston Grille, 7115 Boston State Road.

Received and filed Erie County Sheriff's Monthly Activity Report for July 1999.

Received and filed notification from NYS Senator Volker of a NYS Senate approved Local Initiative in the amount of \$15,000 for the Boston Historical Society.

Supervisor Rood thanked Senator Volker for the \$15,000 NYS Senate Local Initiative which will be used toward the construction of a new addition for the historical building.

Received and filed notification from NYS Senator Volker for a NYS Senate approved Local Initiative for \$10,000 which will be used for new equipment and a sign for the South Boston Park.

Received and filed notification from Erie County Department of Environment and Planning of a new Utility Connection Program funded through Erie County Community Development Block Grant Consortium. This program is income based and allows a deferred payment loan to offset the cost of connecting to utility lines.

Received and filed a NYS Archives and Records Administration Final Project Performance Report for Microfilm Projects submitted by Records Management Officer David Shenk.

Town Clerk/Records Management Officer Shenk commented that Building Report records that were past the retention schedule were discarded and the remaining were appropriately filed and microfilmed creating storage space in the records vault.

Received and filed a letter sent to Hon. Justice Vincent E. Doyle on July 28, 1999 from Supervisor Rood, regarding the Proposed Rules for Tax Assessment Article 7 Review Proceedings. Supervisor Rood requested the appointed referee be qualified in assessment questions and that costs involved for the town be mitigated.

REGULAR BOARD MEETING  
AUGUST 18, 1999

TOWN HALL  
7:30 P.M.

Received and filed a response from Hon. Justice Vincent E. Doyle noting that only if it is determined that the assessed value arrived at by the municipality was excessive or improper will the municipality be required to pay all or a portion of the referee fee.

Supervisor Rood commented that the Proposed Rules for Tax Assessment Review Proceedings was brought to her attention at the Association of Governments meeting. In her opinion Judge Doyle has found a fair compromise to the situation.

Received and filed a Town of Concord and Village of Springville Notice of Completion of Draft GEIS for a Joint Comprehensive plan.

The Boston Town Board re-inspected the Boyd Mobile Home Park on August 16, 1999 and found the park to be in non-compliance.

Town Attorney Perley commented that there is a license application pending for the Boyd Mobile Home Park and if the Town Board takes action to deny the license, there are provisions in the town law to permit the town, in his opinion, to seek an appointment of a Receiver of Rents from the Buffalo Supreme Court. After payment of carrying charges on the property, the Receiver would be directed to address the violations constituting the grounds for license denial by the Town Board, deducting the costs from the rents. This action is not to deprive Mr. Boyd of operating a trailer park but to have the park run in an appropriate fashion and be up to the design and safety standards that exist in the law.

A motion was made by Supervisor Rood and seconded by Councilman Mead to authorize Town Attorney Perley to draft the necessary paperwork to seek a Receiver of Rents (appointed by the Buffalo Supreme Court) for the Boyd Mobile Home Park.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to create the position of Acting Assessor, term effective August 1, 1999 to November 30, 1999.

five (5) Ayes Carried

Town Attorney Perley commented that the appointment of Thelma Hornberger to the position of Acting Assessor was contingent upon execution of an ethics agreement which she has signed.

Received and filed letters from Margaret Andrzejewski and Katharine Praczakajlo requesting to serve as Alternate Members of the Boards.

Received and filed a letter from the Vice President of Finances at Trocaire College recommending Margaret Andrzejewski be appointed as an Alternate Member of the Planning Board.

A motion was made by Supervisor Rood and seconded by Councilman Mead to appoint Margaret Andrzejewski as an Alternate Member of the Planning Board, term effective immediately and to expire on December 31, 2001.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to appoint Katharine Praczakajlo as an Alternate Member of the Zoning Board of Appeals, term effective immediately and to expire on December 31, 2001.

five (5) Ayes Carried

REGULAR BOARD MEETING  
AUGUST 18, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to appoint Wayne Kreitzbender as Parks Superintendent, term retro-active to August 1, 1999 and to expire on December 31, 1999.

five (5) Ayes

Carried

Regarding the status of proceedings to remove unsafe buildings at 6710 Mill Street owned by Edward Dzierzanowski, the Boston Fire Company closed on the property August 2, 1999. The Boston Fire Co. gave Mr. Dzierzanowski sixty (60) days to remove his belongings before the property will be leveled. Supervisor Rood commented that Ed Dzierzanowski is moving to South Dayton and the town will lose a good citizen.

**RESOLUTION 1999-23 LOSS CONTROL AND SAFETY PROGRAM**

The following estimates were received to raise, straighten, and paint a fire hydrant on Route 391 in North Boston:

Kandy Co., Inc.	\$ 925.00
Eastern Summit Development, Inc.	\$1,525.00
Erie County Water Authority	\$2,500.00

A motion was made by Supervisor Rood and seconded by Councilman Tills to award Kandy Co., Inc. the contract to raise, straighten, and paint a fire hydrant on Route 391 in North Boston at a cost of \$925.00.

five (5) Ayes

Carried

Supervisor Rood read a letter of request from Sharco Enterprises, Inc., 6752 Mill Street, for a Special Use Permit for a Top Soil Shredding Operation.

Supervisor Rood read letters from Joseph Lowry Jr., 6861 Boston Cross Road, Boston Fire Company and owners of the Boston Deli, Boston Hotel and Old Liberty Tavern stating that they have no objections to the Sharco Enterprises, Inc., application for a Special Use Permit for a Top Soil Shredding Operation.

Town Attorney Perley noted that there is not a provision in the town code that allows for this (Top Soil Shredding Operation) at the moment. Upon the adoption of the new code the Town Board cannot grant a Special Use Permit unless it is specifically authorized. Town Attorney Perley suggested that the Town Board not require a fee but require a fee if the Board actively considers this Special Use Permit. When the Planning Board advises the Town Board on it's recommendation, the Town Board can then decide if it wishes to make a legislative change and consider the application.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to refer to the Planning Board, for review and recommendation, an application from Sharco Enterprises, Inc., 6752 Mill Street for a Special Use Permit for a Top Soil Shredding Operation.

five (5) Ayes

Carried

Received and filed a report from Deputy Code Enforcement Officer Lisowski regarding an unsafe building at 7050 Eckhardt Road owned by Mr. & Mrs. Crowley.

Supervisor Rood commented that the owners, Mr. & Mrs. Crowley, have previously been notified that the structure at 7050 Eckhardt Road is a safety hazard and must be demolished.

# TOWN OF BOSTON



TOWN OF BOSTON

RESOLUTION 1999-23

## LOSS CONTROL AND SAFETY PROGRAM

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 16th day of August 1999 at 7:30 P.M. Prevailing Time, there were:

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

Supervisor Rood presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston Safety Committee was formed in 1994 at the request of Public Employers Risk Management Association (PERMA), the towns Worker's Compensation Insurance Carrier, and

WHEREAS, PERMA, Boston Safety Committee, and Boston Town Board wish to keep the number of injuries as well as the cost of premium to a minimum, and

WHEREAS, The Boston Safety Committee has diligently researched and revised a Physical Examination Policy for the Town Board's approval.

### NOW THEREFORE:

BE IT RESOLVED, the Boston Town Board does hereby concur with the recommendations of the Boston Safety Committee and approve the following policy, which shall take effect immediately,

### PHYSICAL EXAMINATIONS FOR FULL-TIME EMPLOYEES, FIRE-FIGHTERS & EMERGENCY SQUAD PERSONNEL

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

Supervisor Rood	Voting <u>AYE</u>
Councilman Wiktor	Voting <u>AYE</u>
Councilman Mead	Voting <u>AYE</u>
Councilman Simmeth Jr.	Voting <u>AYE</u>
Councilman Tills	Voting <u>AYE</u>

AYES: FIVE (5)

NOES: NONE (0)

ABSENT: NONE (0)

*David J. Shenk*  
DAVID J. SHENK, TOWN CLERK

TOWN OF BOSTON

LOSS CONTROL AND SAFETY PROGRAM

PHYSICAL EXAMINATIONS

FULL-TIME EMPLOYEES, FIRE-FIGHTERS & EMERGENCY SQUAD PERSONNEL

As stipulated in the Loss Control Program established by PERMA, it is recommended that the Town of Boston require a pre-placement physical examination for all full-time positions, fire-fighters and emergency squad members.

The Town of Boston will pay the co-pay for private insurance holders and the total cost of a physical exam performed by the Boston Colden Health Care Center for Interior Fire-Fighters and members/full-time employees without medical insurance.

All subsequent physicals for fire-fighters and emergency squad members shall be determined by the attending physician. All full time personal are encouraged to have annual physicals.

REGULAR BOARD MEETING  
AUGUST 18, 1999

TOWN HALL  
7:30 P.M.

Code Enforcement Officer Kramer reported that Mrs. Crowley had requested until the end of July to remove the building and now is requesting until the end of September. This is not realistic because the building has shifted and is a safety hazard.

Councilman Simmeth suggested contacting the Erie County Highway Department regarding the unsafe condition at 7050 Eckhardt Road.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt an Order directing Mr. & Mrs. Crowley to show cause, at the Town Board Agenda Review meeting on September 15, 1999 at 6:30 p.m., as to why an order should not be issued for the demolition of the building (7050 Eckhardt Road).

five (5) Ayes

Carried

Town Attorney Perley requested that Town Clerk Sherk fax him a copy of the tax bill for 7050 Eckhardt Road.

The Town Board directed Highway Superintendent Kreitzbender to contact the Erie County Highway Department regarding the unsafe conditions at 7050 Eckhardt Road.

#### SUPERVISOR REPORT

A) Supervisor's monthly Bank Account Report for July 1999 was received and is on file in the Clerk's Office.

Supervisor Rood announced that the first annual Hillfest was a success and commended all the people who helped. The Hillfest brought the community together to make everyone proud of our town.

Supervisor Rood reported that the Water District #2 water tank on Zimmerman Road was emptied for the second time on August 2, 1999 due to paint residue. The tank is now open and curing.

Supervisor Rood commented that she received a call from Blue Cross and Blue Shield representatives regarding the Resolution passed at the last Town Board meeting in opposition to their prescription network. BC/BS contended that they offer a wonderful program for Boston residents and Supervisor Rood disagreed.

Supervisor Rood announced that two (2) grant applications have been submitted to the Rural NY Planning and Preservation Program. If granted, one will aid the Historical Society by repairing the steeple. The other grant will cover the town's portion of the master plan for which funds have been received from the county.

#### TOWN CLERK REPORT

A) Tax Collector's monthly Report for July 1999 was received and is on file in the Clerk's Office.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to grant David Sherk, Tax Collector use of the Town Hall for collection of the 1999-2000 Hamburg School Taxes, fee of \$1,000.

five (5) Ayes

Carried

Town Clerk Sherk announced that deer management permits must be postmarked by Friday, September 10, 1999.

Town Clerk Sherk reported that along with the completion of the Building Department Records Grant, the Court Records Grant was also completed. The Court filing system was modified to coincide with the records retention schedule and obsolete records were shredded which recovered storage space.

REGULAR BOARD MEETING  
AUGUST 18, 1999

TOWN HALL  
7:30 P.M.

TOWN CLERK REPORT (CONT.)

Town Clerk Shenk thanked the Town Board members who attended the Safety Committee meeting on August 2, 1999. The annual PERMA safety inspection was August 2, 1999 and the Town of Boston has received the full discount toward the next premium.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that four (4) of the trees that were promised by Schichtel's Nursery for the Parks Department have been planted. More trees are coming and will be planted within the next month.

Highway Superintendent Kreitzbender announced that the Consolidated Highway Improvement (CHIPS) project has been 95% completed in the Creekside subdivision. The shoulders are stabilized and the road sealing will be completed in about two weeks.

Highway Superintendent Kreitzbender announced that a drainage and road shoulder stabilization project on Holiday Drive has been completed.

Highway Superintendent Kreitzbender noted that the Erie County Highway Department has not given a date when the shoulders on Boston State and Zimmerman Roads will be completed. They have begun work on Chestnut Ridge Road.

Supervisor Rood commented that she complained to the Erie County Highway Department regarding the shoulders on Boston State Road.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that Mr. Rishel on Kevin Drive contacted the ECWA requesting a tap-in and the ECWA agreed that the Rishels do not have to extend the waterline to the property west of them until the property is developed.

Town Attorney Perley reported that David Leonek, 6661 Ward Road, wishes to tap into Orchard Park Water District 17. Town Attorney Perley recommends that the Town Board not adopt this resolution tonight until Mr. Leonek signs an Out of District Water Agreement consistent with the current agreement used by the Town of Boston which provides penalties in the event an incorporation into a district is refused.

COUNCILMAN REPORT

Councilman Mead reported that he and Nutrition Site Coordinator Donna Pfarnar are mailing a letter to seniors in hopes of increasing enrollment and to re-familiarize them with the services and benefits of the Nutrition Program.

Councilman Mead announced that the Southtowns Rural Preservation Co. is helping to secure a grant from the United Way Community Building Fund for the Creative Playground in North Boston.

Councilman Mead reminded everyone that the annual Boston Chamber of Commerce Ice Cream Social will be held on August 24, 1999 in conjunction with the summer concert series.

Councilman Wiktor reported that he received a letter from NYS Senator Mary Lou Rath regarding a bill she introduced in the Senate, School Violence, Intervention and Prevention Act. The Town of Boston will work with this bill in our recreation programs.

Councilman Wiktor reported that at a Fire Council meeting it was noted that the air recharging system was found to be functioning and in full compliance with all health and safety regulations.

REGULAR BOARD MEETING  
AUGUST 18, 1999

TOWN HALL  
7:30 P.M.

79

COUNCILMAN REPORT (CONT.)

Councilman Wiktor announced that during the month of June the Boston Emergency Squad received twenty-five (25) calls and the three (3) volunteer fire companies answered a total of thirteen (13) calls.

Councilman Wiktor reported that Fire Police members for our three (3) fire companies met with the State Police to review procedures that they incorporate and in the fall will attend a workshop sponsored by the Sheriff's Fire Investigation Unit.

Councilman Simmeth reported that he, Town Attorney Perley, and Code Enforcement Officer Kramer investigated the Kuhn project on Boston State Road and noticed a drainage problem near Mrs. McNally's property, 5614 Southside Dr. Installing a culvert pipe before the project is completed would alleviate future drainage problems. The culvert pipe coming off Elmtree needs to be cleaned out also.

Town Attorney Perley will map out easements for town access to the Kuhn property.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to direct the Highway Superintendent to install twenty (20) feet of culvert as an extension to the existing drainage easement of the Town of Boston from the McNally property, 5614 Southside Dr. and authorize the Highway Superintendent to sell any existing culvert pipe to the Town of Boston by transfer of funds.

five (5) Ayes

Carried

Councilman Simmeth reported he received calls from Dr. Sullivan, 8741 Back Creek Road and another resident on Back Creek Road looking for traffic signs on Back Creek and Hillcroft Roads. Earl Dubin, Erie County Traffic Engineer is working on signs for Back Creek, Lower East Hill and Boston Colden Roads.

Councilman Simmeth thanked Councilman Mead for helping to show Niagara Mohawk where a ditch needed to be dug on North Greenbrier Terrace for a resident.

Councilman Tills reported that he has been working on the Adelphia Cable issue of an amendment to their contract that raises fees and changes program options. A questionnaire has been drawn up and will be available in the Town Clerk's office to receive feedback from the residents to aid in the development of a new contract.

CODE ENFORCEMENT OFFICERS REPORT

- A) Code Enforcement Officers monthly report for July 1999 was received and is on file in the Clerk's Office.

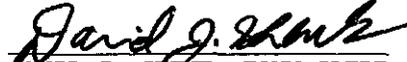
DOG CONTROL OFFICERS MONTHLY REPORT

- A) Dog Control Officers monthly report for July 1999 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

- A) Town Engineer's monthly report for July 1999 was received and is on file in the Clerk's Office.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adjourn the meeting at 8:50 p.m.

  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
SEPTEMBER 1, 1999

TOWN HALL  
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

Absent: Councilman Dennis J. Mead.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the Regular Monthly Meeting of August 18, 1999 and the Special Meeting of August 16, 1999.

four (4) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #9, dated September 1, 1999 in the amount of \$40,192.85 be paid.

four (4) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #9, dated September 1, 1999, amount of \$2,569.27 be paid.

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to accept the Town Clerk's Report for August 1999.

four (4) Ayes Carried

Received and filed a reply from Blue Cross/Blue Shield to Town Board Resolution 1999-17 regarding recent pharmacy network changes.

Councilman Wiktor expressed dissatisfaction with the Blue Cross/Blue Shield decision and response.

Received and filed notification from NYS DOT that the Town of Boston, under the Operation and Maintenance (O&M) direct grant portion of CHIPS, will receive \$9,392.99 and under the Capital reimbursement portion will receive \$34,810.21.

Received and filed a letter from James Kersten, 6480 LuDon Drive regarding the size of political signs in the Town of Boston.

Town Attorney Perley responded that the placement of signs during a political campaign is governed not by election law but by the sign law, section 95-7, sub-section B of the Town Code, which pertains to temporary and special purpose signs. Town Attorney Perley rendered an opinion that this section of Town Code does not contain a size limitation.

Supervisor Rood directed Town Clerk Shenk to send Mr. Kersten a letter informing him of the Town Attorney's response.

#### REQUESTS FROM THE FLOOR

William Eagan, 7886 Hywood Drive: I am here to respond to comments made by Supervisor Rood at the Town Board meetings of July 21 and August 18, 1999. She compared her resignation from NYS (to run for the position of Boston Supervisor), to my request for a leave of absence. She failed to mention that her job came under the "Hatch Act." I felt I did what was the prudent thing for my family and this community. I did not have to resign.

At the August 18th meeting, Supervisor Rood referred to an Article 7 subject which involved Justice Doyle, the EC Bar Assoc. and the Assoc. of Town Government. She stated that I failed to communicate with the Board on this matter but she didn't consult with me.

REGULAR BOARD MEETING  
SEPTEMBER 1, 1999

TOWN HALL  
7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.)

William Eagan read a letter from Vincent Smith, Regional Director of the NYS Office of Real Property, congratulating him on maintaining a system of Real Property Tax Administration which meets the highest standard set by the State.

William Eagan: These are the people that qualify my professionalism in this town. I want to make this clear for the record, at no time was my office in possession of any correspondence from Judge Doyle or for that matter from the Erie County Bar Association. The issue of this Article change came through the organization which Supervisor Rood belongs to (the Association of Town Governments), confirmed by a principal officer of that organization. I checked with other Town Assessors, confirming that they did not receive any letter from Judge Doyle. If you can bring yourself to publicly apologize to me for the remarks you made, then I will yield to you for that apology.

Supervisor Rood: Personally I will not take back any of the things that I said because I still believe in everything that I said. I do believe that there are choices to be made and if you have a better job offer somewhere else, I think that is a decision that you must make. To try to find someone to fill that vacancy for a four (4) month period without a promise that they were going to have a job after the four (4) month period, put this Board in a very difficult situation.

William Eagan: I did not put the town in harms way. In fact the person was found to fill the job before I left the position on August 1, 1999. To ensure that no harm comes to the Assessor's office and the community, I assist her whenever she needs assistance.

Supervisor Rood: The Orchard Park Assessor brought the Article 7 information to our attention and he probably got it from attending the Assessor Association meetings. Every time I attempted to see you, you were not in your office during the month of July.

William Eagan: You never left a message. I will be happy to return with a statement from the Orchard Park Assessor and ask for your apology again.

Supervisor Rood: How did he find out about it?

William Eagan: He is on the Political Action Committee. I also spoke with the liaison to the Assessor's Association and he knew nothing about this as well.

Supervisor Rood: I just felt it was information that was out there on an important issue and I believe that it would be the Town Assessor's duty to bring it to the Town Board.

William Eagan: If I had that information I would have. I will bring the document at the next meeting and let's see if you can bring yourself to apologize and admit that you are wrong.

Richard Hawkins, 6892 Pin Oak Drive: A few weeks ago my children were involved in the Recreation Program and Councilman Wiktor and Supervisor Rood are well aware of this. I am not pleased with the response I got. I have a problem with some of the supervisors and kids that are taking care of our children in the Recreation Program. A few weeks ago we had two (2) girls left at ECC for two and a half (2- 1/2) hours. There were 77 children on that bus when it arrived at ECC and 75 children on the bus when it left ECC. I could understand if there was a mistake but to know that they were two (2) children short and drive away leaving two (2) girls alone at the college, I think is appalling. When our children do something wrong, they are suspended. There was not even a slap on

REGULAR BOARD MEETING  
SEPTEMBER 1, 1999

TOWN HALL  
7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.)

Richard Hawkins (cont.): the wrist. Something serious could have happened to these children and something needs to be done. I talked to Councilman Wiktor who said there is now a different way to count the children so that this doesn't happen again. If something had happened to my daughter there would have been a lot more to deal with.

Supervisor Rood: There have been some remediations made in the program because of this. I personally apologize on behalf of the Town Board and Recreation Director O'Brien. If it had happened to me I would have been very upset too. The count was two short on the return bus and when the counselors went back to check they presumed the two children they saw approaching the bus were the two missing children. They never did another head count which should have been done. To rectify the situation they must do a head count and a roll call. It needs to be exemplified to the counselors what ramifications there could be if children are left on their own. For your information the site supervisor and the counselor involved in your situation were reprimanded and counseled and letters have been placed in their files.

Councilman Wiktor: The day after I talked to you I talked to all the Boston Valley School councilors and reprimanded them. I met with the Supervisors and Councilors from ECC and went over all the policies. I went to Ecc every day of recreation and was at Boston Valley School almost every day to make sure that there was a head and roll count of every child on the busses.

Richard Hawkins: You did tell me you were going to check into it but you never called back so that is why I'm here.

Gorden Cruse, 8951 Boston State Road: I hope you look at more stringent control for next year.

Received and filed a request from Carol M. Heffley, 7150 Omphalius Road for a variance to construct a steel storage building.

Supervisor Rood commented that there is an existing building at 7150 Omphalius Road and Ms. Heffley is proposing to construct an 45 X 80 foot building. The building is in the process of being erected without a building permit. Code Enforcement Kramer issued a stop work order. A Zoning Board of Appeals Public Hearing is scheduled for September 2, 1999.

Town Attorney Perley noted that the application to the Zoning Board of Appeals has to do with the size of the building and is an entirely different matter than the determination of the Town Board as to the feasibility or acceptability of an accessory building on the property. A variance is required because the current accessory building exceeds the acceptable limits in the Zoning Laws. Town Attorney Perley suggested that the request for a second accessory building at 7150 Omphalius Road be tabled until he and Code Enforcement Kramer research the issue.

A motion was made by Supervisor Rood and seconded by Councilman Tills to table the request for a second accessory building at 7150 Omphalius Road until the next Town Board meeting.

four (4) Ayes

Carried

Supervisor Rood requested a proposal from R & D Engineering for engineering services for the Creekside Subdivision Sewer Remediation Project.

REGULAR BOARD MEETING  
SEPTEMBER 1, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to authorize Supervisor Rood to enter into a contract for engineering services with R & D Engineering for the Creekside Subdivision Sewer Remediation Project in the amount of:

Design Phase	\$12,800
Bid Phase	\$ 2,400
Construction Phase (excluding Item 4)	\$ 6,900
Resident Inspection Phase (Item 4)	per diem @ \$50 per hr.
Assuming 240 manhours	\$12,000

four (4) Ayes Carried

Received a letter of request for appointment to the Conservation Advisory Council from Lynn Zachmann, 6276 Pfarner Road.

Received letters of recommendation for the appointment of Lynn Zachmann to the Conservation Advisory Council from Rosemary Kaptur, retired Mayor, and Patricia Jones, Administrator, both of the Village of Palos Park, Illinois.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to appoint Lynn Zachmann to the Conservation Advisory Council, term to expire March-1, 2002.

four (4) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to schedule a CDBG Fund Public Hearing for October 20, 1999 at 8:00 p.m. and direct the Town Clerk to publish the legal notice.

four (4) Ayes Carried

Received and filed a Geographic Information Systems Data Sharing Agreement from NYS Office for Technology.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to authorize Supervisor Rood to enter into a Geographic Information Systems Data Sharing Agreement.

four (4) Ayes Carried

#### SUPERVISOR REPORT

Supervisor Rood commented that the water tank on Zimmerman Road has been filled twice and has been emptied twice. It is currently being cured because there was a problem with the styrene level. NYS guidelines have become more stringent. The tank passed federal guidelines and the plan is to close the hatches next Wednesday and fill the tank. Hopefully all the tests will be positive and the hydrants can be put on line to provide fire protection.

#### TOWN CLERK REPORT

Town Clerk Sherk announced that the Hamburg school taxes should be mailed on September 15, 1999.

#### HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the CHIPS funding has increased and the paperwork should be completed by the end of the week to be sent in for reimbursement.

Highway Superintendent Kreitzbender reported that during the last week Glenn Terrace was repaved leaving only the driveway approaches to be completed.

Highway Superintendent Kreitzbender announced that the Fall Brush pick-up begins on September 20, 1999.

REGULAR BOARD MEETING  
SEPTEMBER 1, 1999

TOWN HALL  
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he received a call on August 27, 1999 from the Highway Superintendent that a dumpster had been placed on Parkside Drive, which was just paved. The homeowner claimed he had permission. Town Attorney Perley served a legal notice giving the homeowner 48 hours to remove the obstruction on the highway as provided in the Highway Law. The Highway Superintendent confirmed that the dumpster has been removed.

Town Attorney Perley noted that at the last Town Board meeting, an application for an Out of District Water Customer was discussed for Mr. Lelonek. An agreement has been prepared and will be sent to the Orchard Park Town Attorney for review. Once signed, the Town of Boston can adopt a resolution to allow Mr. Lelonek to tap in.

COUNCILMAN REPORT

Councilman Wiktor conferred with Highway Superintendent Kreitzbender and Councilman Simmeth regarding a drainage problem on Woodland Drive.

Councilman Wiktor met with Emergency Squad members concerning the Awards program and will confer with Town Attorney Perley regarding issues discussed.

Councilman Simmeth reported that he and Highway Superintendent Kreitzbender inspected the drainage problem near the McNally property, 5614 Southside Drive, and the Kuhn property on Boston State Road. Highway Superintendent Kreitzbender noted that the problem has been rectified.

Councilman Tills reported that he will meet with Thomas Haywood, Adelphia Cable General Manager in October after accumulating input from the questionnaires that were circulated. The proposed contract with Adelphia will be discussed at that time.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for August 1999 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICERS MONTHLY REPORT

A) Dog Control Officers monthly report for August 1999 was received and is on file in the Clerk's Office.

PLANNING BOARD REPORT

Received and filed notification from the Boston Planning Board acknowledging that Larrie and Linda Palmer, 5493 S. Feddick Road, withdrew their re-zoning request at the August 24, 1999 meeting.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to refund the \$125 fee for a rezoning application to Larrie and Linda Palmer.

four (4) Ayes

Carried

Received and filed a recommendation of approval from the Boston Planning Board for the Glad Your Hair as built site plan.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to accept the as built site plan of Glad Your Hair, 7166 Boston State Road, contingent upon the installation of a buffer of low vegetation at the southerly end of the parking lot separating the strip plaza from Glad Your Hair.

four (4) Ayes

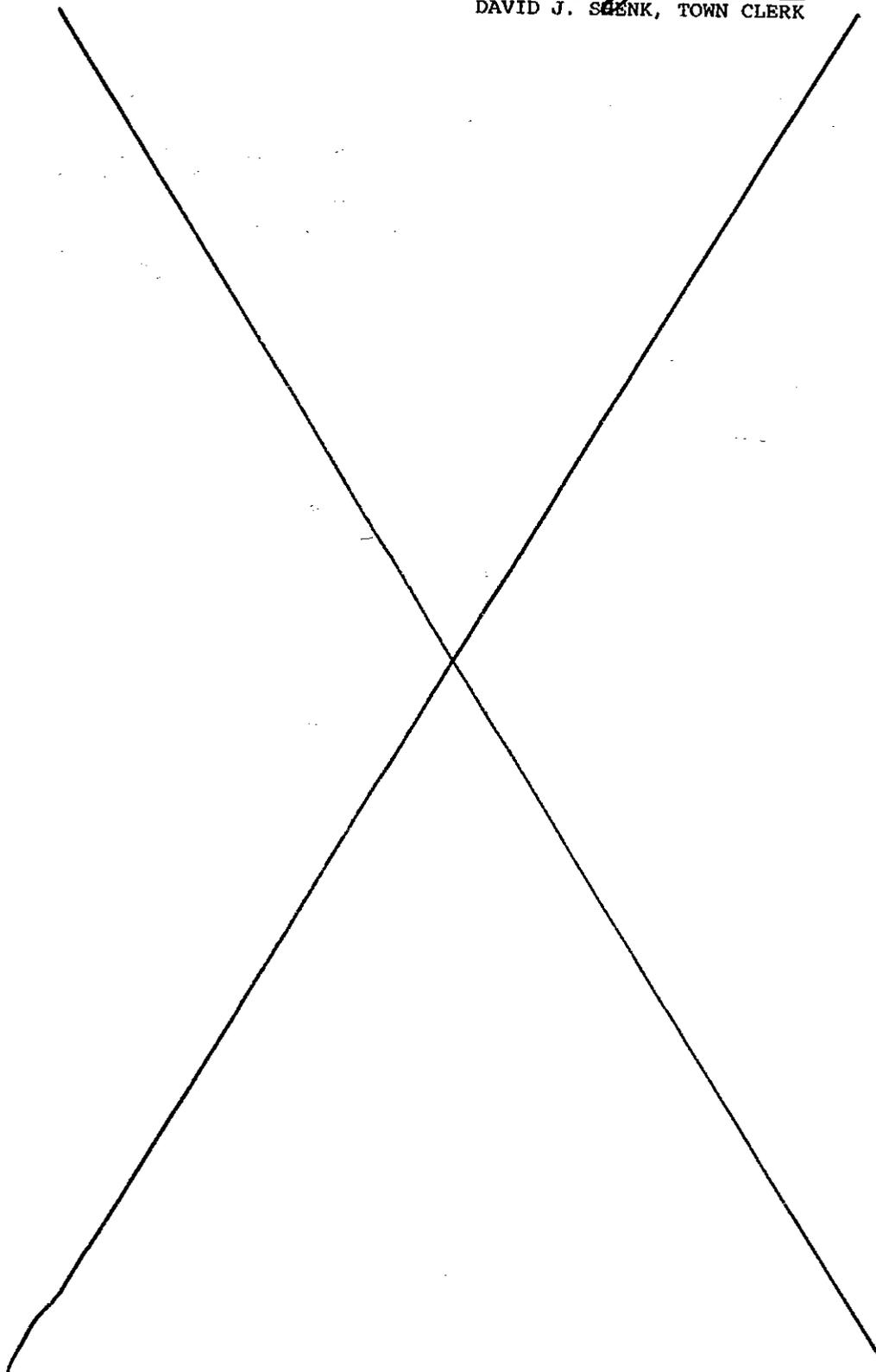
Carried

REGULAR BOARD MEETING  
SEPTEMBER 1, 1999

TOWN HALL  
7:30 P.M.

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

*David J. Senk*  
DAVID J. SENK, TOWN CLERK





REGULAR BOARD MEETING  
SEPTEMBER 15, 1999

TOWN HALL  
7:30 P.M.

Supervisor Rood: It is your choice Mr. Eagan.

REQUESTS FROM THE FLOOR (CONT.)

William Eagan read a letter from Orchard Park Assessor Campbell stating that in late July the Hamburg Town Attorney alerted him to procedure changes proposed by Justice Doyle and it was thought best to go directly to the supervisors so that they could respond to the court. The Assessors were not immediately notified.

William Eagan: I ask you again for a public apology.

Supervisor Rood: Is that all?

William Eagan: That's all.

Richard Hawkins, 6892 Pin Oak Drive: In our park we have no place for the ladies in town use the bathroom. The "Johnny On The Spot" smells and the Squad restrooms are locked. Could a building be constructed and hooked up to a septic system or sewer?

Supervisor Rood: We investigated installing a restroom down near the lower soccer field but because of the sewer system the lines would need to go uphill and would cost a fortune. Due to the vandalism problem in the parks someone must lock and unlock the bathrooms. Baseball and softball personnel are very good about this but soccer personnel do not want the responsibility. During the day the town hall is open for public use of the restrooms. The "Johnny on the Spots" are cleaned once a week.

William Eagan: When we go to these other towns they have everything and I think it wouldn't be beyond the financial means of the community to furnish more "Johnny on the Spots."

Supervisor Rood: If you are here at all the games would you take the responsibility of getting a key from the clerk and locking and unlocking the restroom doors?

William Eagan: My soccer team plays one night a week and I have no problem doing that.

Councilman Mead: Do you think it is a problem with walking the distance from the playing fields to the restrooms?

Richard Hawkins: It is a distance and I have driven them. I get out of work at 3:00 p.m. and if you want me to unlock and lock the restroom doors daily I will take that responsibility but I think that is only part of the problem.

Councilman Mead: If someone will take the responsibility of locking and unlocking the restrooms that would be an initial solving of the problem.

Richard Hawkins: I am sure there are a number of people in this town, including myself, that would contribute time and materials to build a cinder block building at a very low cost.

Supervisor Rood: We will have our Capital Improvement Committee investigate the problem.

Councilman Tills: I would think in the short term we would want to look at our locked door policy at the squad building restrooms.

Councilman Wiktor: We could get one or two extra "Johnny on the Spots" and that is the easiest thing to do for a short term fix. We can start the process at the Capital Improvement Committee and hire an engineering firm and review their recommendations.

REGULAR BOARD MEETING  
SEPTEMBER 15, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to remove from the table a request for a second accessory building, 7150 Omphalius Road, from Carol Heffley.

five (5) Ayes Carried

Supervisor Rood reported that a request for a variance for a second accessory building, 7150 Omphalius Road from Carol Heffley was denied by the Zoning Board of Appeals.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to authorize Supervisor Rood to enter into a contract with R & D Engineering for Public Improvement Permit (PIP) Inspection Services for the Hickory Meadows Subdivision at the 1999 Standard Billing Rates.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve an Application for a Permit to Construct a Public Improvement for the Hickory Meadows Subdivision subject to verification of costs by the Town Engineer and approval of the securities form and amounts by the Town Attorney.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to authorize Supervisor Rood to enter into a contract with Clark & Koller, Certified Public Accountants, for preparation of the Annual Financial Statements at a cost of \$2,475.

five (5) Ayes Carried

Supervisor Rood read letters from Justices Maxwell and Bender, recommending that the position of Deputy Court Officer, part-time, be filled with two (2) appointees, John Sibenik and Kenneth Keane.

Supervisor Rood commented that the Town Board determined that only one (1) substitute Deputy Court Officer would be needed to cover court sessions when the Court Officer is unavailable.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to appoint Kenneth Keane as a Deputy Court Officer, part-time, on a per diem basis, term to expire on December 31, 1999.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint Marilyn Clesse as Recreation Director, at a salary of \$2,096 and term expiring on December 31, 1999.

Councilman Wiktor	Voting	<u>Aye</u>
Councilman Simmeth	Voting	<u>Aye</u>
Councilman Tills	Voting	<u>Aye</u>
Councilman Mead	Voting	<u>Abstain</u>
Supervisor Rood	Voting	<u>Aye</u>

four (4) Ayes      none (0) Noes      one (1) Abstain      Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to authorize the Town Clerk to advertize for the Refuse and Garbage Contract, bid opening on September 30, 1999 at 10:00 a.m.

five (5) Ayes Carried

Received a request from Highway Superintendent Kreitzbender for a leave of absence from his Boston Highway permanent MEO position.

# TOWN OF BOSTON



TOWN OF BOSTON

RESOLUTION 1999-25

STOP DWI GRANT PROGRAM

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of September 1999 at 7:30 P.M. Eastern Standard Time, there were:

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

Councilman Wiktor presented the following resolution and moved its adoption:

NOW THEREFORE:

BE IT RESOLVED, that the Town of Boston authorizes Supervisor Rood to sign the contractual agreement to renew the Erie County STOP-DWI Grant Program. The contracts are for January 1, 1999 through December 31, 1999.

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

Supervisor Rood	Voting	<u>Aye</u>
Councilman Wiktor	Voting	<u>Aye</u>
Councilman Simmeth	Voting	<u>Aye</u>
Councilman Tills	Voting	<u>Aye</u>
Councilman Mead	Voting	<u>Aye</u>

AYES: FIVE (5)

NOES: NONE (0)

ABSENT: NONE (0)

*David J. Sherk*  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
SEPTEMBER 15, 1999

TOWN HALL  
7:30 P.M.

Highway Superintendent Kreitzbender commented that he would like the option of returning to a Boston Highway permanent MEO position if need be. Erie County Personnel has stated that this request is standard procedure.

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to grant Highway Superintendent Kreitzbender a leave of absence from the Boston Highway permanent MEO position.

five (5) Ayes Carried

Town Attorney Perley reported that a petition has been drafted to seek the court appointment of a Receiver of Rents for the Boyd Mobile Home Park. The Town of Boston is requesting the court allow the park to operate but appoint a Receiver of Rents and allocate the rents to the lien holders and creditors first, and then address the improvements. This petition is expected to be signed and served by the October 6, 1999 Town Board meeting.

**RESOLUTION 1999 - 25      1999 STOP DWI CONTRACT**

Received an application from William Brunner for a Dumping Permit for 7171 Boston State Road, in preparation for construction of Brunner's Eatery, working with the Jeff Kuhn project to blend all properties for the betterment of appearance, drainage and sewage.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to schedule a Public Hearing for October 5, 1999 at 7:45 p.m. on the William Brunner Dumping Permit Application for 7171 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to refer the William Brunner Dumping Permit Application for 7171 Boston State Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

**SUPERVISOR REPORT**

A) Supervisor's August 1999 Financial Report was received and is on file in the Town Clerk's Office.

Supervisor Rood reported that a Public Hearing was held at 6:30 p.m. tonight regarding a barn at 7050 Eckhardt Road which was deemed to be a safety hazard. Mary Crowley, owner, submitted a letter acknowledging that the barn in question has been demolished and the remaining debris will be cleaned up.

Received notification from Legislator Marshalls Office, of a Car Seat Safety Inspection Program on Saturday, September 25, 1999, 10:00 a.m. to 1:00 p.m. at the Boston Highway Garage, sponsored by the Erie County Office of Traffic and Safety and the Erie County Sheriff Department.

**TOWN CLERK REPORT**

Town Clerk Shenk reported that on September 14, 1999 the town hall phone system malfunctioned causing the system to remain partially incapacitated. The following solutions have been offered:

- Option 1 - Hemisphere Communications - Repair existing system - cost \$4,640.
- Option 2 - Hemisphere Communications - Purchase new Panasonic System - cost \$5,200.

REGULAR BOARD MEETING  
SEPTEMBER 15, 1999

TOWN HALL  
7:30 P.M.

Option 3 - Lucent Technologies - Upgrade current system, salvage most existing equip. - cost \$2,348.83.

Town Clerk Shenk recommends Option #3 because this solution is the least expensive and will satisfy our phone needs for some time.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, on the recommendation of Town Clerk Shenk, to award the contract to Lucent Technologies to upgrade the current phone system at a cost of \$2,348.83.

Carried

five (5) Ayes

Town Clerk Shenk noted that the Lucent vender expected the phone system to be repaired by late thursday or at the latest by Friday.

Town Clerk Shenk announced that the Tax Collector Office will be open Saturdays October 2nd and 9th from 9:00 a.m. to 3:00 p.m.

Town Clerk Shenk noted that flu shots will be available to the public on Friday, October 1, 1999 from 10:00 a.m. to 2:00 p.m.

#### HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender announced that the fall brush pick-up will begin on September 20, 1999.

Highway Superintendent Kreitzbender reported that the Erie County Highway Shoulder machine is parked behind the Highway garage which may mean that work on the road shoulders may begin soon.

#### TOWN ATTORNEY REPORT

Town Attorney Perley noted that a request has been received from David J. Lelonek, 6661 Ward Road to be an Out of District Water Customer for public water service by Water District #17 of the Town of Orchard Park.

RESOLUTION 1999 - 24      OUT OF DISTRICT WATER CUSTOMER

#### COUNCILMAN REPORT

Councilman Mead reported that he attended a Boston Chamber of Commerce meeting at the Back of the Beyond, bread and breakfast establishment on Lower East Hill Road. The Chamber has been holding meetings at various area restaurants. The Habitat for Humanity Program is a program that the Chamber is interested in obtaining more information about and maybe participating in Boston.

Councilman Mead commented that the Scharco Enterprize Special Use Permit for the screening of topsoil was discussed the Planning Board meeting. There were favorable comments from surrounding neighbors and the Town Attorney is working on a proposal for the Town Board to consider as a legislative matter.

Councilman Wiktor inquired if Town Attorney Perley received a response from the NYS Comptroller Office on questions regarding the Emergency Squad Benefit Program.

Town Attorney Perley responded that he did not receive a response.

Councilman Wiktor noted that the questions pertained to retirement age, retired squad members being active without jeopardizing retirement program etc.

Town Attorney Perley left the Town Board meeting at 8:14 p.m.

# TOWN OF BOSTON



TOWN OF BOSTON

RESOLUTION 1999 - 24

## OUT OF DISTRICT WATER CUSTOMER

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 15th day of September, 1999 at 7:30 P.M. Eastern Prevailing Time there were

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

Supervisor Rood presented the following resolution and moved its adoption:

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

<u>SBL ACCOUNT NUMBER</u>	<u>NAME</u>	<u>ADDRESS</u>
212.00-1-11.142	David J. Lelonek	6661 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, be it further

**RESOLVED**, that this approval is contingent upon the applicant signing an agreement acceptable to the Town Attorney.

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

Supervisor Rood	<u>Voting Aye</u>
Councilman Wiktor	<u>Voting Aye</u>
Councilman Simmeth	<u>Voting Aye</u>
Councilman Tills	<u>Voting Aye</u>
Councilman Mead	<u>Voting Aye</u>

AYES: 5                      NOES: 0                      ABSENT: 0

*David J. Shenk*  
David J. Shenk, Boston Town Clerk

REGULAR BOARD MEETING  
SEPTEMBER 15, 1999

TOWN HALL  
7:30 P.M.

Councilman Wiktor reported that there will be changes at the Boston State Troopers Barracks. It was discussed a few years ago and again recently that desk personnel on the 12:00 a.m. to eight a.m. shift could be eliminated and an outside phone installed with a direct line to the Clarence sub station. Trooper Commander Magee agreed with Councilman Wiktor that many people stop at the barracks for emergencies and the Clarence station may not know where roads

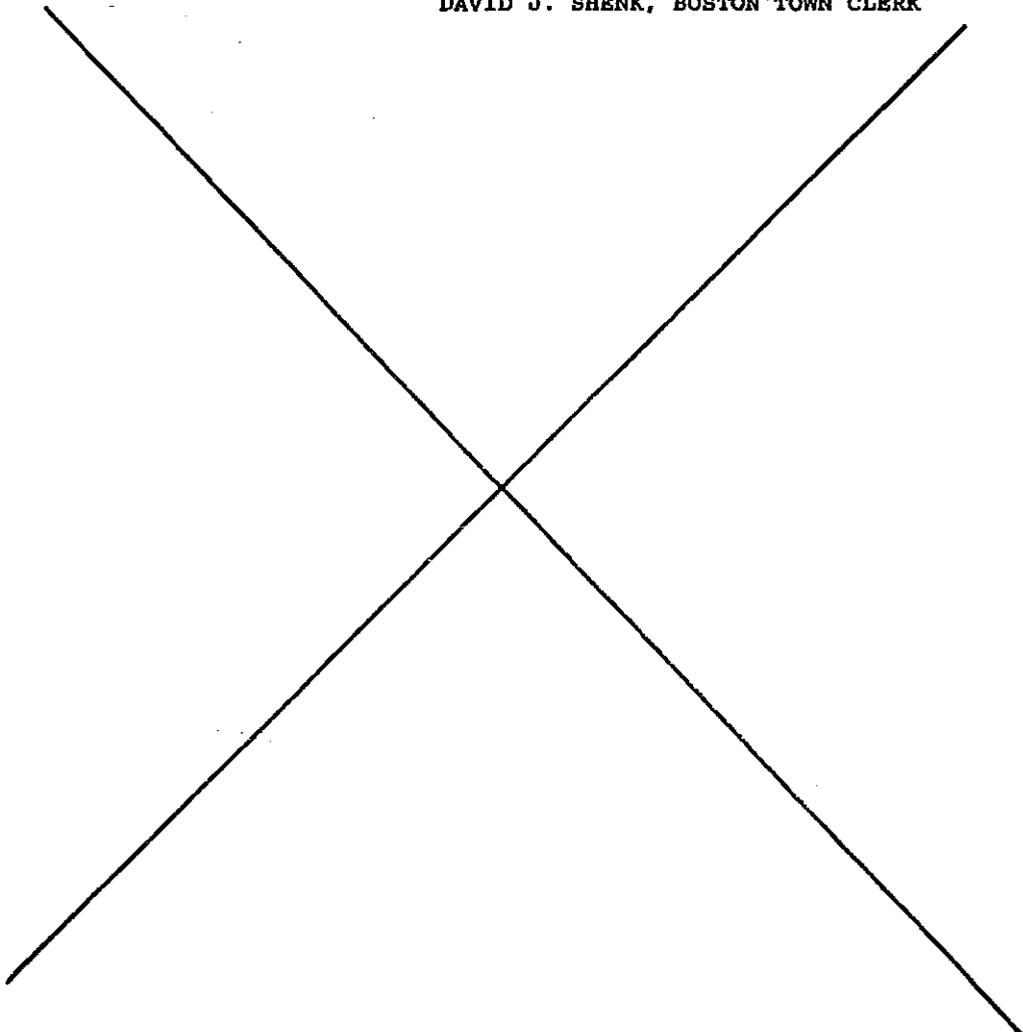
COUNCILMAN REPORT (CONT.)

Councilman Wiktor (Cont.): are in the Town of Boston without studying maps which would increase the relay response time. Councilman Wiktor will contact Assemblyman Smith and Senator Volker on this issue because the presence of the State Troopers in the Town of Boston is a huge deterrent for crime.

Councilman Simmeth reported that he has received complaints from residents on speeding in town and he has contacted Sergeant John Fox from the Sheriff's Department who will rectify the problem.

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

*David J. Sherk*  
\_\_\_\_\_  
DAVID J. SHENK, BOSTON TOWN CLERK



REGULAR BOARD MEETING  
OCTOBER 6, 1999

TOWN HALL  
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

Rev. Gary Burdick, Faith United Church, opened the meeting with a prayer.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adopt the minutes of the Regular Monthly Meeting of September 15, 1999 with the following correction:

FROM: A motion was made by Supervisor Rood and seconded by Councilman Simmeth to schedule a Public Hearing for October 5, 1999 at 7:45 p.m. on the William Brunner Dumping Permit Application for 7171 Boston State Road.

TO: A motion was made by Supervisor Rood and seconded by Councilman Simmeth to schedule a Public Hearing for October 6, 1999 at 7:45 p.m. on the William Brunner Dumping Permit Application for 7171 Boston State Road.

five (5) Ayes

Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #10, dated October 6, 1999 in the amount of \$51,553.40 be paid.

five (5) Ayes

Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #10, dated October 6, 1999, amount of \$15,394.12 be paid.

five (5) Ayes

Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to accept the Town Clerk's Report for September 1999.

five (5) Ayes

Carried

Received and filed a response from James Kersten, 6480 LuDon Drive, dated September 24, 1999 to Town Clerk Shenk's letter dated September 2, 1999, citing a legal opinion from Town Attorney Perley regarding the size of political signs in the Town of Boston.

Town Attorney Perley responded that he stands by his legal opinion that the political signs in town were in compliance and he once again invites Mr. Kersten to phone him on this matter.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to reschedule the bid opening for the Refuse and Garbage contract to Thursday, October 14, 1999 at 10:00 a.m.

five (5) Ayes

Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant Town Justice Maxwell permission to attend the State Magistrate's continuing education classes in Ellenville, New York from October 10th to October 13th, 1999, appropriate expenses to be paid and not to exceed budgeted seminar allowance of \$800.

five (5) Ayes

Carried

Supervisor Rood read a letter to Town Attorney Perley from Gary Eckis, President of Eckis Realty regarding the purchase of 2.77 acres of a Hillcroft Drive Parcel by the Town of Boston.

REGULAR BOARD MEETING  
OCTOBER 6, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to authorize the purchase of 2.77 acres of land on Hillcroft Drive. The purchase price is \$27,500 minus a \$7,500 credit for the Boston Hill subdivision recreation fees. The balance of \$20,341.48 will be paid by the Town of Boston from \$20,000 in Wetlands Mitigation funds received from Jeff Kuhn and \$341.48 for closing costs payable by the Town of Boston.

five (5) Ayes

Carried

The Town Clerk was directed to notify the Planning Board that the developer, Gary Eckis has satisfied his responsibility to pay the recreation fee.

At 7:45 a Public Hearing was held for the purpose of hearing public comments on a request from William Brunner for a Special Permit to bring in fill from outside the Town of Boston to 7171 Boston State Road.

Supervisor Rood read the legal notice noting that 36 neighboring property owners were notified and sent an Assessor's map and copy of letter of intent.

Supervisor Rood read a letter of intent from William Brunner.

Supervisor Rood read a Planning Board letter of approval to the importation of soil at 7171 Boston State Road and a request that site plans address drainage and grading issues on the south side of the property in relationship to the Park and Ride elevation.

A motion was made by Supervisor Rood and seconded by Councilman Tills to open the Public Hearing at 7:45 p.m.

five (5) Ayes

Carried

There were no public comments.

Councilman Simmeth: Mr. Brunner are you or Mr. Kuhn addressing the drainage and grading issues on the southside of the property?

William Brunner: Yes that will be done.

Town Attorney Perley: Mr. Brunner's plans as well as Mr. Kuhn's plans will be reviewed by the Town Engineer as well as the Planning Board and based upon my meetings at the Planning Board I believe there is communication between Mr. Brunner and Mr. Kuhn and their respective engineers with regards to overall development of the parcel.

Councilman Wiktor: When the Town Board walked the property with Mr. Kuhn, he mentioned that they had already begun to address the drainage issue on Mr. Brunner's property.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to close the Public Hearing at 7:47 p.m.

five (5) Ayes

Carried

LEGAL NOTICE  
TOWN OF BOSTON  
NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, October 6, 1999 at 7:45 p.m., Eastern Prevailing Time, to consider the application of William Brunner for a Special Permit to bring in fill from outside the town of Boston to 7171 Boston State Road.  
At this hearing, at the time and place above noted, all interested persons will be heard for or against said Special Use Permit.  
Dated: September 17, 1999  
Published: September 23, 1999  
BY ORDER OF THE TOWN BOARD  
DAVID J. SHENK, TOWN CLERK  
9-23

REGULAR BOARD MEETING  
OCTOBER 6, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to grant a Special Permit to bring in fill to William Brunner, 7171 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to refer to the Planning Board for review and consideration, a site plan for a commercial building permit for an accessory building from Donald and Joyce Babski, 6560 Fairlane Drive.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to approve a request for a second accessory building from Jean & Jim Hilburger, 7286 Lower East Hill Road.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to refer to the Planning Board for review and consideration, a site plan for a commercial building permit for a warehouse on Herman Hill Road (211.14-5.1) from Jeff Kuhn.

five (5) Ayes Carried

Supervisor Rood read letters from of complaint from Beryl Bradford, 7526 Herman Hill Road and Julia Czechoski, 8734 Boston State Road, regarding the Boston State Road shoulders.

Supervisor Rood commented that she has had numerous complaints and has contacted the appropriate officials in Erie County only to be told that the road work commenced according to a schedule which works around weather conditions.

Town Attorney Perley commented that legally there is nothing the town can do because Boston State Road is a county road.

Councilman Wiktor commended the residents for sending a copy of their complaints to Erie County noting that their individual letters carry more impact than one letter from a municipality. Councilman Wiktor encourages residents to write or call the Erie County Highway Department.

**PROCLAMATION NATIONAL 4-H WEEK - OCTOBER 2-9, 1999**

Supervisor Rood commented that she is pleased that there are now nine (9) 4-H clubs in the Town of Boston.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to grant the Boston Welcome Wagon permission to plant a tree mutually agreed upon with the Town, at the Boston Town Park in memory of Margaret Mead.

five (5) Ayes Carried

Supervisor Rood read her summary of the Town of Boston Fiscal Budget for 2000 as follows:

In presenting our town's Year 2000 budget, I am pleased to again be able to reduce taxes in our total town budget. There has not been an increase in our total town tax rate for eight years, and in fact it has been reduced for the second year in a row.

Our General Fund appropriations are up \$21,084, even though we no longer have any debt service. The highway garage and senior center/community room was paid off this year, freeing up \$61,000.

# TOWN OF BOSTON



## PROCLAMATION

NATIONAL 4-H WEEK - OCTOBER 2-9, 1999

WHEREAS, 4-H youth development is the oldest publicly funded youth organization in the United States, having been established in 1912, and

WHEREAS, 4-H builds leadership, team work and assists youth in acquiring knowledge and developing life skills that will enable them to become self-directing, productive and contributing members of society.

WHEREAS, 4-H programs are conducted in 3,150 counties of the United States, District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and Micronesia.

WHEREAS, in the Town of Boston there are nine (9) 4-H Clubs: *Boston Stingrays, Hillside Riders, Thundering Hoofbeats, Gitta Bugs, Believin' and Achievin' 4-H'rs, Boston Crafters, Nature Kids, Boston Cougars*, and one of the oldest clubs in the county, the *Boston Valley Violets*. Betty Seufert, the leader of this group, is in her 51st year of service, and

WHEREAS, 4-H instills the life skills and training of the four "H's" - Head, Heart, Hands and Health, and

WHEREAS, 4-H is alive and thriving in the Town of Boston and is helping to make conscientious citizens of tomorrow with the youth of today.

NOW, THEREFORE, I, Lisa M. Rood, Supervisor of the Town of Boston, do hereby proclaim the week of October 2 - 9, 1999 as National 4-H Week in the Town of Boston.

Dated: October 6, 1999

Lisa M. Rood  
Lisa M. Rood, Supervisor

REGULAR BOARD MEETING  
OCTOBER 6, 1999

TOWN HALL  
7:30 P.M.

SUPERVISOR ROOD SUMMARY (CONT.)

For the Year 2000 there is \$40,000 budgeted for central air conditioning as we now have an antiquated 25 year old system that requires expensive yearly maintenance. We have also budgeted \$12,000 for repairs that are necessary in the building, including roof repair and foundation work. We will be losing our county clerical worker in the highway office and will need to hire someone on a part-time basis, at a salary of \$7410/year. With the 3% raise for all employees, the increase works out to about \$14,000 for the year. We also pay our labor negotiator out of this fund and \$5,000 is budgeted for him for 2000. We will have two presidential primaries this year and that is at an additional cost of \$3,600 for the election inspectors.

The Highway tax is up 1 cent, setting the rate at 2.25/thousand. This is mainly due to expenses incurred with the formation of a union and the purchase of a new truck. Highway employees are also slated for a 3% raise.

In the Special Districts portion of this year's fiscal plan, Fire Protection is up 2 cents @ 1.97/thousand due to an increase in the contract cost, Street Lighting @ .19 remains the same, as does Ambulance @ .31, Refuse & Garage @ \$120/unit and Sewer @ \$7 and \$10. In our Water District budgets, District #1 will go down 4 cents, setting the rate at .50/thousand, due to \$20,000 in unexpended balance that is appropriated for 2000. In District #1 Extension the rate is also down to .30/thousand, as there were two households added to this district. In District #2, taxes remain the same, as they do in District 2, Extension #2.

Supervisor Rood read a summary of 2000 tax rates in comparison to 1999 tax rates.

The 2000 Preliminary Budget was presented by Supervisor Rood.

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2000 General Fund Preliminary Budget be approved as follows:

Appropriations	1,129,781.00
Less Estimated Revenue	668,400.00
Less Unexpended Balance	283,000.00
Amount to be Raised by Taxes	178,381.00

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2000 Highway Fund Preliminary Budget be approved as follows:

Appropriations	908,819.00
Less Estimated Revenue	304,000.00
Less Unexpended Balance	69,000.00
Amount to be Raised by Taxes	535,819.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the 2000 Fire Protection Preliminary Budget be approved as follows:

Appropriations	524,495.00
Less Estimated Revenue	00.00
Less Unexpended Balance	15,000.00
Amount to be Raised by Taxes	509,495.00

five (5) Ayes Carried

REGULAR BOARD MEETING  
OCTOBER 6, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the 2000 Light District Preliminary Budget be approved as follows:

Appropriations	23,800.00
Less Estimated Revenue	00.00
Less Unexpended Balance	3,050.00
Amount to be Raised by Taxes	20,750.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills that the 2000 Ambulance Preliminary Budget be approved as follows:

Appropriations	99,484.00
Less Estimated Revenue	00.00
Less Unexpended Balance	19,000.00
Amount to be Raised by Taxes	80,484.00

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2000 Refuse and Garbage Preliminary Budget be approved as follows:

Appropriations	376,992.00
Less Estimated Revenue	00.00
Less Unexpended Balance	44,352.00
Amount to be Raised by Taxes	332,640.00

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Rood that the 2000 Sewer District #2 Preliminary Budget be approved as follows:

Appropriations	102,700.00
Less Estimated Revenue	90,000.00
Less Unexpended Balance	11,489.00
Amount to be Raised by Taxes	1,211.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills that the 2000 Water District #1 Preliminary Budget be approved as follows:

Appropriations	86,942.00
Less Estimated Revenue	00.00
Less Unexpended Balance	20,000.00
Amount to be Raised by Taxes	66,942.00

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded Councilman Tills that the 2000 Water District #2 Preliminary Budget be approved as follows:

Appropriations	105,451.00
Less Estimated Revenue	00.00
Less Unexpended Balance	57,149.00
Amount to be Raised by Taxes	48,302.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth that the 2000 Water District #1 Extension Preliminary Budget be approved as follows:

Appropriations	7,753.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	7,753.00

five (5) Ayes Carried

REGULAR BOARD MEETING  
OCTOBER 6, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2000 Water District #2 Extension Preliminary Budget be approved as follows:

Appropriations	29,447.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	29,447.00

five (5) Ayes

Carried

Town Clerk Shenk read the 2000 Preliminary Budget totals:

Appropriations	3,395,664.00
Less Estimated Revenue	1,062,400.00
Less Unexpended Balance	522,040.00
Amount to be Raised by Taxes	1,811,224.00

A motion was made by Supervisor Rood and seconded by Councilman Mead that the 2000 schedule of salaries for the elected Town officials be approved as follows:

Supervisor	25,900.00
Councilman	6,700.00
Town Clerk	33,430.00
Town Justice	11,515.00
Town Justice	11,515.00
Superintendent of Highways	39,785.00

five (5) Ayes

Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to direct Town Clerk Shenk to schedule a Public Hearing on November 3, 1999, at 8:00 p.m. for the 2000 Preliminary Budget.

five (5) Ayes

Carried

#### SUPERVISOR REPORT

A) Supervisor monthly financial report for August 1999 was received and is on file in the Clerk's Office.

Supervisor Rood commented that the Town Board met with representatives of the fire companies and received a letter from the Emergency Squad regarding the Y2K issue. A contingency plan is being formulated in the event there are problems. All fire companies and the Emergency Squad will be manned on December 31, 1999 to address problems. A flyer will be distributed to residents regarding Y2K information.

Supervisor Rood announced that the tank for Water District #2 Extension on the west hill will not be put on line until Kandy Company installs additional equipment for chlorination control.

#### TOWN CLERK REPORT

Town Clerk Shenk reported that the Town Hall phone system is now in working order.

Town Clerk Shenk announced that Hamburg School Taxes are due on October 15, 1999. The Town Clerk's office has extended hours for tax collection on Wednesday and Thursday, October 13th and 14th until 8:00 p.m. and on Friday, October 15, 1999 until 9:00 p.m.

REGULAR BOARD MEETING  
OCTOBER 6, 1999

TOWN HALL  
7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the fall brush pick-up will continue and the last pick-up begins October 18th.

Highway Superintendent Kreitzbender requested Town Board permission to draw specifications for a new roller.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he has received a letter from Mr. Attea, Attorney for the Boyd Mobile Home Park, proposing to address Town Board concerns. Papers have not been filed to begin proceedings pending indications of an opportunity to solve this matter outside a court room. A report will be made at the next Town Board meeting.

Town Attorney Perley commented that he has received calls from two contractors for the Garbage and Refuse contract renewal. Specifications were issued for the collection and delivery of municipal solid waste. Bids will be opened on October 14, 1999 and if not satisfactory the town reserves the right to reject any and all bids and Town Attorney Perley is prepared to draft specifications that will provide for the collection and disposal of municipal solid waste if this matter is not favorably addressed at bid time.

Town Attorney Perley announced he is in the process of completing a draft for a master plan as well as determining if Evans National Bank is interested in issuing bonds for the sewer project, both of which are part of a grant.

Town Attorney Perley commended Supervisor Rood on an excellent budget and presenting it in record time.

COUNCILMAN REPORT

Councilman Mead commended Supervisor Rood in presenting an excellent budget.

Councilman Mead noted that based on comments from Richard Hawkins he and Town Board members inspected the football field area and discovered damage to the port-a-john and a memorial for the second week in a row. The issue of installing a permanent structure will be discussed at the Capital Improvement Committee meeting. An additional port-a-john has been ordered for a temporary solution.

Councilman Wiktor reported that he met with newly appointed Recreation Director Clesse and outlined the coming schedules, the Friday Night Recreation Program, finalized the ski program and compiled information required by the grants consultant for the summer concert series. Residents sixteen (16) years or older who are interested in the position of Friday Night Program Monitors can contact Recreation Director Clesse for an application.

Councilman Wiktor reported that the Lakeview Fire Company is using our Fire Council Air Bank as a mutual aid support and the Eden Fire Co. wishes to join the Fire Council and also use the Air Bank. On October 9, 1999 there will be a Mutual Aid Live Burn Drill on a Mill Street structure. On October 5, 1999 a sexual harassment seminar required by OSHA was presented for the Fire Council at the Colden Fire Hall. The North Boston Fire Co. reported that a new rescue truck is in service, the defibulator received through a grant and their funding is now in service (fourteen (14) members are trained to use it) and a Fire Behavior Arsenal Awareness Course will be presented in the future. Patchin Fire Co. will conduct an Emergency Vehicle Operations course.

REGULAR BOARD MEETING  
OCTOBER 6, 1999

TOWN HALL  
7:30 P.M.

93

COUNCILMAN REPORT (CONT.)

Councilman Wiktor referred to Councilman Simmeth requests he received from Hywood Drive residents to post speed limit signs.

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to authorize the speed limit on Hywood Drive from the intersection with Zimmerman Road up to and including the intersection with Mayer Road.

five (5) Ayes

Carried

Councilman Wiktor reported that he, along with council members and Highway Superintendent Kreitzbender participated in the Child Vehicle Safety Seat Program sponsored by Erie County Legislator Marshall on September 25, 1999 at the Boston Highway Garage.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to hold trick or treat night in the Town of Boston Sunday, October 31, 1999 from 6:00 p.m. to 8:30 p.m.

five (5) Ayes

Carried

Councilman Simmeth commented that a resident reported a near accident on South Greenbriar Terrace involving a school bus and a truck and requested that stop signs be installed. Erie County Highway Traffic Engineer Dubin states that the town can install signs if both roads are town roads.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to authorize Highway Superintendent Kreitzbender to install stop signs on South Greenbriar Terrace and Hillcroft Drive in accordance with Town Highway Law.

five (5) Ayes

Carried

Councilman Simmeth reported that he discussed speeding complaints in the Town of Boston with Sergeant Fox of the NYS Police and has been assured that speed enforcement will be increased at South Abbott Road between Route 277 near George's Hot Dog Stand and the B-Kwik market on Route 391 and also Meadow Drive between Route 391 and South Abbott Road.

Councilman Tills reported that the Christmas Lighting Committee met on September 28, 1999. This year over \$2,000 was spent on new figures for the nativity scene and all the bulbs will be replaced this season on the Christmas decorations. The trailer for the nativity scene is completed and the stable will be built soon. On Sunday, December 4th the Boston clergy will organize a dedication program for the nativity scene. The nativity scene will be placed on Jeff Kuhn's property across from the Post Office. Mr. Kuhn made a substantial donation to replace the figurines to complete the nativity scene.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for August 1999 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICERS MONTHLY REPORT

A) Dog Control Officers monthly report for August 1999 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer monthly report for August and September 1999 were received and are on file in the Clerk's Office.

REGULAR BOARD MEETING  
OCTOBER 6, 1999

TOWN HALL  
7:30 P.M.

PLANNING BOARD REPORT

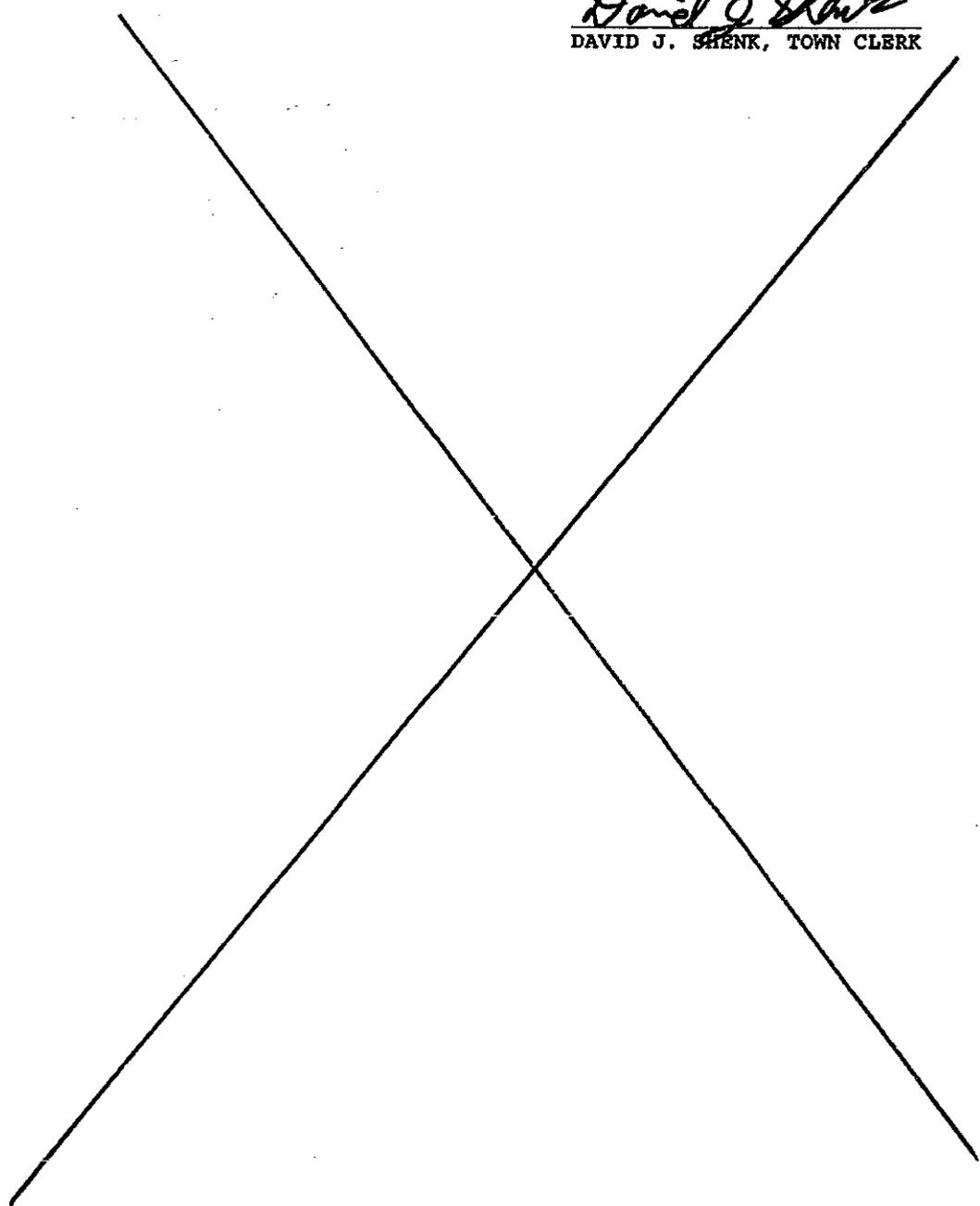
Received and filed a recommendation of approval for a Special Use Permit for Sharco Enterprises, 6752 Mill Street, contingent that the local law be approved and subject, subsequently, to site plan review.

Town Attorney Perley is in the process of drafting a proposed local law and noted that no action can be taken unless there is a law authorizing an action.

The Town Board will do an on-site inspection of 6752 Mill Street.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adjourn the meeting at 9:00 p.m.

*David J. Sherk*  
DAVID J. SHENK, TOWN CLERK



REGULAR BOARD MEETING  
OCTOBER 20, 1999

TOWN HALL  
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

Rev. John VanHaneghan, Good Shepherd Lutheran Church, opened the meeting with a prayer.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to adopt the minutes of the October 6, 1999 monthly meeting with the following correction:

PAGE (3) FROM: Supervisor Rood read letters of complaint from Beryl Bradford, 7526 Herman Hill Road and Julia Czechoski, 8734 Boston State Road, regarding the Boston State Road shoulders.

TO: Supervisor Rood read letters of complaint from Beryl Bradford, 7526 Hunn Road and Julia Czechoski, 8734 Boston State Road, regarding the Boston State Road shoulders.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #10A, dated October 20, 1999 in the amount of \$35,096.61 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor, upon review by the Town Board, that the Highway Bills on Abstract #10A, October 20, 1999, amount of \$3,970.55 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff Report for September 1999.

Received and filed a letter from the Hamburg All Breed Obedience Club complementing the Town of Boston on the Town Park and including a donation to the Parks fund.

Referred to Town Attorney Perley an Article 78, Order To Show Cause from John and Joan Heffley, 7150 Omphalius Road.

#### REQUESTS FROM THE FLOOR

William Forness, 7281 Woodland Drive: Supervisor Rood, for public information could you tell me if highway employees, their salaries, benefits and any contractual agreements between the town and the union, are they set by the Town Board or Highway Superintendent?

Supervisor Rood: The wages are set by the Town Board. The contract is voted on by the Town Board.

William Forness: So it would all be Town Board issues and set by the Town Board and not the Highway Superintendent?

Supervisor Rood: Yes, correct.

Referred to Councilman Simmeth and Highway Superintendent Kreitzbender a request from Mr. & Mrs. Roger D. Rogers, 9856 Emerling Road for a stop sign at Emerling and Pfarner Roads.

REGULAR BOARD MEETING  
OCTOBER 20, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon the recommendation of Recreation Director Clesse, to appoint the following to the Friday Night Program, term effective immediately and to expire on December 31, 1999:

Melissa Wilson	Site Supervisor	\$7.40 per hr.
Alexandria Hess	Recreation Attendant	6.25 "
Nicole Kester*	Recreation Attendant	6.25 "
Rob Kobiolka	Recreation Attendant	6.25 "
Christine Maroney	Recreation Attendant	6.25 "
Beth Marschner	Recreation Attendant	6.25 "
Drew McNichol	Recreation Attendant	6.25 "
Jennifer Ehlers	Substitute Attendant	6.25 "
Sarah Myers	Substitute Attendant	6.25 "
Tina Musselman	Substitute Attendant	6.25 "
Debra Smolinski	Substitute Attendant	6.25 "
Kristen Partridge	Substitute Attendant	6.25 "

\*Approved on condition of approval of age.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to approve the following General Fund and Special Districts transfer of appropriations:

Appropriate	A960		\$ 90.57
From:	Independent Audit & Acct	A1320.4	\$ 90.57
To:	Judgement & Claims	A1930.4	\$ 90.57
Appropriate	A960		\$690.00
From:	Planning	A8020.4	\$690.00
To:	Band Concerts	A7270.4	\$685.00
	Celebrations	A7550.4	\$ 5.00
	Total		\$690.00

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to grant the Boston Republican Club permission to use the Community Room for a Halloween Party, 10/31/99, 5:00 to 9:00 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to authorize the Town Clerk to advertize for proposals for a Town of Boston Master Plan, based on specifications provided by the Planning Board. Bid opening 12/1/99 at 10:00 a.m.

five (5) Ayes Carried

RESOLUTION 1999 - 26 APPROVE FORM AND CONTENT OF BOND RESOLUTION -  
PROPOSED WATER DISTRICT #3

SUPERVISOR REPORT

A) Supervisor's September 1999 Financial Report was received and is on file in the Town Clerk's Office.

Supervisor Rood reported that volunteers led by Niagara Mohawk Supervisor William Wiate, repaired the lights at the North Boston Stadium ball diamond, the photo eyes for the christmas decorations on Route 391 and set two (2) poles for the Patchin Fire Department. All the materials, time and labor were donated.

Supervisor Rood requested that the Town Clerk send a letter of sincere gratitude to William Wiate, Niagara Mohawk Supervisor in Angola, thanking him and Robert Jones, Supervisor in Amherst, and also Linemen Jerry Cafferty, Clyde Colvin, Jim Detzel, Jeff Carroll, Jerry Woods, Tom Walsh, and Jack Burkard.

**TOWN OF BOSTON  
NEW YORK**

**RESOLUTION**

NUMBER 1999-26

**A Resolution approving the form and content of a draft Bond Resolution to be used upon the formation of Proposed Water District No. 3 in the Town of Boston, New York**

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 20th day of October, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	<b>Lisa M. Rood</b>	<b>Supervisor</b>
	<b>Dennis Mead</b>	<b>Councilman</b>
	<b>Karl Simmeth</b>	<b>Councilman</b>
	<b>Steven Tills</b>	<b>Councilman</b>
	<b>Damian P. Wiktor</b>	<b>Councilman</b>

Absent:

Councilman Mead presented the following Resolution and moved its adoption:

**BE IT RESOLVED** that the Town Board of the Town of Boston approve the form and content of the draft Bond Resolution, annexed hereto, in the event of the formation of Proposed Water District No. 3 in the Town of Boston, New York.

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

<b>Supervisor Rood</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Mead</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Simmeth</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Tills</b>	<b>Voting:</b>	<b>Aye</b>
<b>Councilman Wiktor</b>	<b>Voting:</b>	<b>Aye</b>

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

[SEAL]

  
Karen A. Ellis-Deputy Town Clerk

BOND RESOLUTION OF THE TOWN OF BOSTON, NEW YORK,  
ADOPTED \_\_\_\_\_, 1999, AUTHORIZING THE  
ESTABLISHMENT OF THE EAST HILL WATER DISTRICT NO. 3,  
IN SAID TOWN, INCLUDING THE CONSTRUCTION OF A  
WATER SYSTEM THEREIN, STATING THE ESTIMATED  
MAXIMUM COST THEREOF IS \$3,050,000, APPROPRIATING  
SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE  
OF \$849,700 RECEIVED OR TO BE RECEIVED FROM THE  
UNITED STATES OF AMERICA AND/OR THE ERIE COUNTY  
WATER AUTHORITY, AND AUTHORIZING THE ISSUANCE OF  
\$2,200,300 SERIAL BONDS OF SAID TOWN TO FINANCE THE  
BALANCE OF SAID APPROPRIATION.

Recital

WHEREAS, the Town Board of the Town of Boston in the County of Erie,  
New York, has caused Nussbaumer & Clarke, Inc., to prepare an amended general map, plan  
and report, for the proposed establishment of East Hill Water District No. 3 (the "District"),  
in the Town, including the construction of a water system therein; consisting of the installation  
of a pump station, a water storage tank, approximately 3,100 linear feet of 10-inch diameter  
PVC waterline and approximately 41,700 linear feet of 8-inch diameter PVC waterline,

including land or rights in land, original equipment, machinery, furnishings, valves, hydrants, fittings, service connections, fill, appurtenances and related site work (the "Water Improvement"), which Water Improvement is to be operated and maintained by the Erie County Water Authority pursuant to a Lease-Management Agreement with the Town on behalf of the District, and which amended map, plan and report has been duly filed in the office of the Town Clerk of the Town for public inspection; and

Now, therefore, be it

**RESOLVED BY THE TOWN BOARD OF THE TOWN OF BOSTON, IN THE COUNTY OF ERIE, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:**

Section 1. The Town hereby appropriates the amount of \$3,050,000 for the establishment of East Hill Water District No. 3, including the construction of a water system as described herein. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$3,050,000 and said amount is hereby appropriated therefor. The plan of financing includes the expenditure of \$849,700 received or to be received from the United States of America and/or the Erie County Water Authority, and the issuance of \$2,200,300 serial bonds of said Town to finance the balance of said appropriation and the assessment, levy and collection of special assessments upon the several lots and parcels of land within the District which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion

to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of \$2,200,300 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to partially finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which said \$2,200,300 serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of said serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond

anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation said bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any

notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately.

\* \* \*

REGULAR BOARD MEETING  
OCTOBER 20, 1999

TOWN HALL  
7:30 P.M.

SUPERVISOR REPORT (CONT.)

Supervisor Rood read the following Refuse and Garbage Bids received and opened on October 14, 1999 at 10:00 a.m. for the Collection and Hauling of Mixed Municipal Solid Wastes and Collection, Hauling of Bulky Wastes, Construction and Demolition Debris, and White Goods and Collection, Hauling and Processing of Recyclables of Municipal Refuse and Recycling Pick-up:

<u>COMPANY</u>	<u>PRICE PER UNIT</u>	<u>NC</u>
BFI	\$ 92.73	x
CID	81.83	x
CLINTON	126.06	x
MODERN	NO BID	
NEI	114.35	x

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to reject all Refuse and Garbage bids opened on 10/14/99.

five (5) Ayes Carried

Supervisor Rood reported that Blue Cross/Blue Shield recently offered to deliver prescriptions to Boston residents as a result of a decision to drop CVS pharmacies from their network. The company now states that they will only deliver on Mondays and Fridays during inclement weather. Supervisor Rood is in contact with the company and will be updated if there are further changes.

Supervisor Rood announced that Southside and Parkside Drives qualified for 1999 CDBG funding in the amount of \$90,000 for the sewer rehab project. A letter was sent to Creekside Subdivision residents on Elmtree, Ripple and Northside informing them that CDBG funds are available for 2000 grants. Residents must fill out and return the income questionnaire included in each packet by November 3, 1999 to determine funding eligibility. An informational meeting will be held on October 27, 1999 at 7:30 in the Community Room. Residents may also call the Supervisor's office for information.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that most of the summer work is complete and two thirds of the highway trucks are in service for this winter.

Highway Superintendent Kreitzbender reported that the last brush pick-up for the year is currently being completed.

Highway Superintendent Kreitzbender noted that Schichtel's Nursery has assured that trees for the parks will be delivered soon.

TOWN ATTORNEY REPORT

Town Attorney Perley noted that the basis upon which the Creekside sewer rehab must be done is in an agreement that was signed in the early 1980's by Supervisor Hubert. The Erie County Sewer Authority agreed to take over the operation of the sewers but responsibility for bringing the lines in conformance with current county standards remain with the Town of Boston. Town Attorney Perley stressed that it is important for the Creekside residents to attend and participate in order to minimize the financial impact required of the Town of Boston to continue sewer service.

Town Attorney Perley reported that he and Supervisor Rood met with Town of Colden officials and engineers to discuss forming a water district in Colden. The Town of Boston water system is being designed with the capability of providing adequate capacity to bring Colden online. There is a prior agreement for a Colden contribution to Boston if the district is formed which will assist Boston in extending our system to benefit additional users.

REGULAR BOARD MEETING  
OCTOBER 20, 1999

TOWN HALL  
7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Town Attorney Perley announced that Mr. Lelonek has signed an agreement with Orchard Park Water District #17. A copy of the recorded agreement will be forwarded to the Town Clerk.

A motion was made by Supervisor Rood and seconded by Councilman Tills to authorize the Town Clerk to advertize for bids for the assembly and installation of recreation equipment for the Town of Boston parks and schedule a bid opening for December 8, 1999 at 10:00 a.m.

five (5) Ayes

Carried

COUNCILMAN REPORT

Councilman Wiktor reported that he met with Rescue Squad Representative Larry Steward, Assistant to the Supervisor Lucille Genzel and Pen-flex Corporation Representative Edward Holohan, to clarify the Service Award Program.

Councilman Wiktor reported that he thanked Assemblyman Smith and Senator Volker for their input concerning the removal of the midnight shift desk personal at the State Trooper barracks in Boston. There will be a phone installed outside the barracks that connects with the central radio receiving station at the Clarence sub station for anyone needing service during the midnight shift.

At 8:00 p.m. a Public Hearing was held for the purpose of hearing public comments regarding the use of Federal Community Development Funds in the Town of Boston.

Supervisor Rood read the legal notice.

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

five (5) Ayes Carried

Supervisor Rood: At this point we are open to suggestions as to what to apply for Community Development Building grants. We were awarded \$90,000 for the Creekside sewer rehabilitation in last year's funding. Last year we made the town buildings ADA accessible, the North Boston Park restrooms handicap accessible, changed door handles on existing doors in the town hall building, installed braille signs for the elevator and restrooms, installed a handicap accessible door in the town hall, changed the sink and mirror heights and installing pipe protection under the sinks. Those are the sort of things mainly geared toward low income residents, the disabled or senior citizens. This is your opportunity to bring any ideas to us that you may have for discussion and review.

There were no public comments.

Supervisor Rood: One of the things that is shared by many communities and requested as a constant is the Rural Transit Van Service which assists seniors for medical appointments etc. Another item for consideration this year would be the second phase of the Creekside sewer rehabilitation project, if CDBG eligibility

**NOTICE OF PUBLIC HEARING  
NOTICE TO THE CITIZENS  
OF THE  
TOWN OF BOSTON**

A Public Hearing will be held on October 20, 1999 at 8:00 p.m. Eastern Standard Time at the Boston Town Hall, 8500 Boston State Road, Boston, New York regarding the use of Federal Community Development Funds in the Town of Boston.

The Town of Boston is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate

income persons in the Town of Boston.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Boston's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call David J. Sherk, Boston Town Clerk at (716)-941-6113 by October 13, 1999.

DATED: September 17, 1999  
PUBLISHED: October 7, 1999

BY ORDER OF THE TOWN BOARD  
DAVID J. SHENK, TOWN CLERK  
10-7

REGULAR BOARD MEETING  
OCTOBER 20, 1999

TOWN HALL  
7:30 P.M.

PUBLIC HEARING (CONT.)

Supervisor Rood (cont.): is determined by the income survey. Also for consideration would be the installation of additional restroom facilities in the town park which was requested by residents at a past Town Board meeting. The Capital Improvement Committee has reviewed this proposal and is waiting for a County Project Monitor Determination as to whether this is a viable project for the Town of Boston. At the next meeting we should have the project ranking and needed resolution.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to close the Public Hearing at 8:07 p.m.

five (5) Ayes

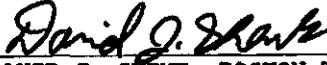
Carried

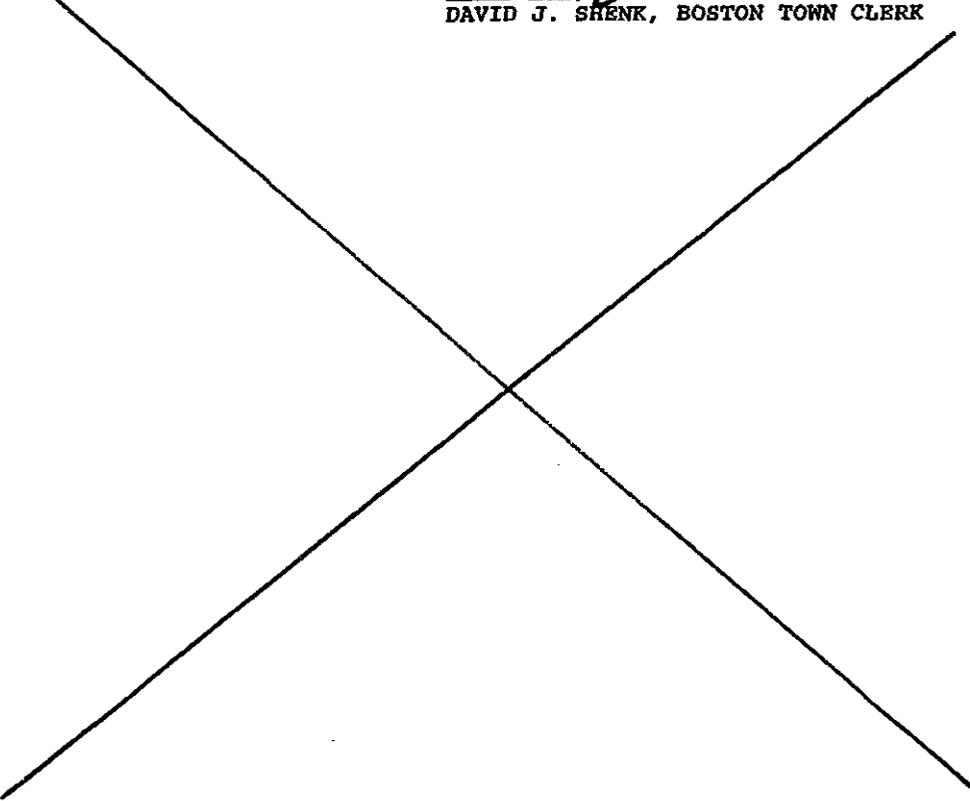
COUNCILMAN REPORT (CONT.)

Councilman Simmeth thanked Highway Superintend Kreitzbender and his crew for promptly installing stop signs at Hillcroft and Greenbriar Drives and speed limit signs on Hywood Drive for the safety of our citizens.

Councilman Tills reported that he attended the Hillfest Committee meeting on October 19, 1999. The Hillfest is scheduled for July 22nd and 23rd, 2000 and if anyone is interested in joining the committee there are openings for new members.

A motion was made by Supervisor Rood and Councilman Simmeth to adjourn the meeting at 8:09 p.m. in memory of Jane Gonzalez.

  
\_\_\_\_\_  
DAVID J. SHENK, BOSTON TOWN CLERK



REGULAR BOARD MEETING  
NOVEMBER 03, 1999

TOWN HALL  
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

Rev. James Laun, Churchill Memorial United, opened the meeting with a prayer.

*See  
motion  
page  
102*  
A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the October 20, 1999 regular monthly meeting.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #11, dated November 3, 1999 in the amount of \$23,856.85 be paid.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #11, dated November 3, 1999 in the amount of \$3,522.35 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to accept the Town Clerk's Report for October 1999.

five (5) Ayes Carried

**RESOLUTION 1999 - 27 COMMUNITY DEVELOPMENT BLOCK GRANT**

Supervisor Rood commented that the CDBG Project Coordinator has determined that the suggestion to add restrooms in the town park was not a viable project because there is not an existing building. The Town Board will continue to pursue restrooms for the town park.

Received and filed a request from JoAnn Santonocito, 7549 Valley Circle Lane, for the Town Board to adopt a resolution opposing the Erie County Medical Center's year 2000 budget proposal to close the Southern Erie Clinical Services, 517 Sunset Drive, Hamburg NY.

Supervisor Rood commended JoAnn Santonocito's effort in taking an interest in the southtowns.

**RESOLUTION 1999 - 28 OPPOSITION TO ERIE COUNTY MEDICAL CENTER PROPOSED YEAR 2000 BUDGET CLOSURE OF SOUTHERN ERIE CLINICAL SERVICES**

Supervisor Rood commented that the Town of Boston Refuse and Garbage contract will expire at the end of 1999. All bids received were rejected at the October 20, 1999 Town Board meeting and the BFI contract will be extended for three (3) years at \$125 per unit.

Town Attorney Perley noted that based upon BFI tonnage disposal reports, BFI price per unit was lower than the bids received. Under a NEST master agreement there is a negotiated rate per ton for garbage disposal fees which goes down if municipalities under NEST ban together and collectively dispose at one landfill. Currently there is not enough tonnage but if and when enough towns opt into NEST there is a chance in three (3) years that the rate would be advantageous. The town exercised a right to extend the BFI contract and gain a more favorable rate and in Town Attorney Perley's opinion, since it was not a bid, the town is eligible to participate in a master agreement with NEST.

# TOWN OF BOSTON



RESOLUTION 1999 - 27

## COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS FOR 2000-2001

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 3rd day of November, 1999 at 7:30 P.M.

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

Supervisor Rood presented the following resolution and moved its adoption;

**WHEREAS;** The result of a Public Hearing which was held at the Boston Town Hall on October 20th, 1999 relating to suggestions by the public for projects to be submitted for funding during 2000.

**BE IT RESOLVED;** that the Town Board of the Town of Boston submit the following projects to be considered for funding by the Erie County Community Block Grant Program for the year 2000.

- 1st Priority - Town of Boston Sewer District #2 - Phase 2
- 2nd Priority - Sidewalk - Emergency Squad Building
- 3rd Priority - Rural Transit Van Service

**BE IT FURTHER RESOLVED;** that the Town Board of the Town of Boston authorize the Town Supervisor to sign, submit and execute any contracts relating to the described priority projects upon their approval by the Erie County Community Block Grant Program,

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

Supervisor Rood	Voting <u>AYE</u>
Councilman Wiktor	Voting <u>AYE</u>
Councilman Mead	Voting <u>AYE</u>
Councilman Simmeth Jr.	Voting <u>AYE</u>
Councilman Tills	Voting <u>AYE</u>

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

*David J. Shenk*  
David J. Shenk, Town Clerk

# TOWN OF BOSTON



## RESOLUTION 1999 - 28 OPPOSITION TO ECMC'S CLOSURE OF SOUTHERN ERIE CLINICAL SERVICES

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 Rd, Boston, NY on the 3rd day of November, 1999 at 7:30 P.M.

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

Supervisor Rood presented the following resolution and moved its adoption;

**WHEREAS;** Erie County Medical Center presented the Erie County Legislature with their year 2000 proposed budget, whereby the budget calls for the closure of Southern Erie Clinical Services.

**WHEREAS;** SECS is an outpatient clinic of the Erie County Medical Center providing treatment services for individuals having insurance, medicaid, or on a scale rate/sliding fee.

**WHEREAS;** Southern Erie Clinical Services (SECS) is the only public facility in southern Erie County which provides outpatient chemical dependency treatment services to adult and adolescent chemical abusers, their families and works closely with local school districts.

**WHEREAS;** SECS staff complete on the average of 55 alcohol/drug evaluation and assessment sessions per month, while maintaining a monthly active case load of approximately 200 clients.

**WHEREAS;** SECS annually provides approximately 10,000 units of service on site, individual counseling, group counseling, family and conjoint counseling, medical appointments and psychological evaluations and follow up by staff psychiatrist and psychologist.

**WHEREAS;** SECS facility is used for eight (8) Alcoholics Anonymous meetings, one (1) Al-Anon meeting, one (1) Narcotics Anonymous meeting, and one (1) Al-Anteen meeting on a weekly basis.

**NOW THEREFORE, BE IT RESOLVED;** that the Town Board of the Town of Boston does hereby request that the Erie County Legislature eliminate this item from Erie County Medical Center's proposed year 2000 budget, and have Southern Erie Clinical Services remain open.

**BE IT FURTHER RESOLVED;** that the Town Clerk is hereby directed to forward certified copies of this resolution to it's local County Legislature, County Executive Gorski, the Erie County Legislatures Finance Committee and Erie County Medical Centers Budget Committee.

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

Supervisor Rood	Voting <u>AYE</u>
Councilman Wiktor	Voting <u>AYE</u>
Councilman Mead	Voting <u>AYE</u>
Councilman Simmeth Jr.	Voting <u>AYE</u>
Councilman Tills	Voting <u>AYE</u>

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

*David J. Shenk*  
David J. Shenk, Town Clerk

TOWN OF BOSTON

NEW YORK

RESOLUTION

NUMBER 1999-29

**A Resolution to Extend the Refuse and Garbage Contract with BFI**

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 3rd day of November, 1999 at 7:30 o'clock in the evening Eastern Prevailing Time there were:

Present:	<b>Lisa M. Rood</b>	<b>Supervisor</b>
	<b>Dennis Mead</b>	<b>Councilman</b>
	<b>Karl Simmeth</b>	<b>Councilman</b>
	<b>Steven Tills</b>	<b>Councilman</b>
	<b>Damian P. Wiktor</b>	<b>Councilman</b>

Absent:

Supervisor Rood presented the following Resolution and moved its adoption:

WHEREAS, by Contract dated the 14<sup>th</sup> day of December, 1995, the Town of Boston (the Town) engaged the services of Browning Ferris Industries (BFI) for the collection and disposal of municipal solid waste and bulky items, and the handling of recyclables for the period commencing January 1, 1996 through December 31, 1999; and

WHEREAS, said Contract contained the following provision, "and if the Town elects to extend the Contract, then for three (3) additional years (January 1, 2000 through December 31, 2002)"; and

WHEREAS, heretofore the Town and BFI have entered into private discussions concerning a possible extension of the said Contract, by the Town of Boston, in accordance with the provision set forth above; and

WHEREAS, BFI has agreed to provide collection and disposal services to the Town of Boston at the rate of \$125.00 per year for three (3) year period of the extension.

NOW THEREFORE, BE IT

**RESOLVED** that the Town of Boston hereby elects to extend the above reference Contract with BFI for the collection and disposal of municipal solid waste and bulky items, and the handling of recyclables for a period of three (3) years commencing January 1, 2000 and running up to and including December 31, 2002; and be it further

**RESOLVED**, that all practices and procedures hereinbefore established shall be continued by the Town and BFI including but not limited to:

- a. the services performed by BFI
- b. the method used for computing the number of units served
- c. billing and payment practices
- d. resolution of disputes or problems arising out of the contract

except as hereinafter set forth; and be it further

**RESOLVED**, that BFI shall charge the Town of Boston the rate of \$125.00 per unit per year for each of the three (3) years provided by this extension; and be it further

**RESOLVED**, that the practices and procedures hereinbefore established are modified, by mutual agreement of the parties - based upon their experience in the operation and administration of the existing Contract, as follows:

- a. BFI shall be required to collect and dispose of no more than five (5) items of municipal solid waste per unit, per week.
- b. That the five- (5) items per unit, per week may include no more than one bulk item per week.
- c. That the provision to collect two (2) bulk items during one specified week per month is hereby eliminated.
- d. That, in addition to the collection and disposal of municipal solid waste in two dumpsters at the Town Hall (currently provided) BFI will provide a "roll off" unit (30 cubic yard capacity) for the Boston "Hillfest" if so requested;

and be it further

**RESOLVED**, That BFI shall indicate its acceptance of the provisions contained herein by countersigning a certified copy of this Resolution and filing same in the office of the Town Clerk of the Town of Boston.

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

Supervisor Rood  
Councilman Mead  
Councilman Simmeth  
Councilman Tills  
Councilman Wiktor

Voting: Aye  
Voting: Aye  
Voting: Aye  
Voting: Aye  
Voting: Aye

AYES: 5

NOES: 0

ABSENT: 0

*David J. Sherk*  
David J. Sherk-Town Clerk

BFI agrees to the extension of the Contract with the Town of Boston in accordance with the above Resolution.

BFI

By

*Pat Gannon*  
DISTRICT MANAGER



REGULAR BOARD MEETING  
NOVEMBER 03, 1999

TOWN HALL  
7:30 P.M.

Town Attorney Perley noted that the law allows matters in litigation or involving personnel matters to be discussed in an Executive Session.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to appoint Burt Feltz as Highway Working Crew Chief, term effective 11/15/99 to 12/31/99, at a rate of \$16.05 per hour.

five (5) Ayes Carried

At 8:00 p.m. a Public Hearing was held to hear public comments regarding the Town of Boston 2000 Preliminary Budget as compiled or any items contained therein.

Supervisor Rood read the Legal Notice.

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

five (5) Ayes Carried

There were no comments.

A motion was made by Supervisor Rood and seconded by Councilman Mead to close the Public Hearing at 8:01 p.m.

five (5) Ayes Carried

Supervisor Rood read the 2000 Town of Boston Budget Summary Totals:

Appropriations	3,395,664.00
Less Estimated Revenue	1,062,400.00
Less Unexpended Balance	522,040.00
Amount to be Raised by Taxes	1,811,224.00

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2000 General Fund Budget be approved as follows:

Appropriations	1,129,781.00
Less Estimated Revenue	668,400.00
Less Unexpended Balance	283,000.00
Amount to be Raised by Taxes	178,381.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the 2000 Highway Fund Budget be approved as follows:

Appropriations	908,819.00
Less Estimated Revenue	304,000.00
Less Unexpended Balance	69,000.00
Amount to be Raised by Taxes	535,819.00

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the 2000 Fire Protection Budget be approved as follows:

Appropriations	524,495.00
Less Estimated Revenue	00.00
Less Unexpended Balance	15,000.00
Amount to be Raised by Taxes	509,495.00

five (5) Ayes Carried

**PUBLIC NOTICE**  
**TOWN OF BOSTON**  
**NOTICE OF HEARING**  
**UPON PRELIMINARY BUDGET**  
NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Boston for the fiscal year beginning January 1, 2000 has been completed and filed in the office of the Town Clerk, where it is available for inspection by any interested person during regular office hours.  
FURTHER NOTICE IS HEREBY GIVEN that the Town Board of the Town of Boston will hold a public hearing and review said Preliminary Budget at the Boston Town Hall, 8500 Boston State Road, at 8:00 p.m. Prevailing Time, on the 3rd day of November 1999 and that at such hearing any person may be heard for or against the preliminary budget as compiled or any items contained therein.  
Pursuant to Section 103 of the Town Law, the proposed salaries of the following elected town officers are hereby as follows:  
Supervisor \$25,900.00  
Councilman 6,700.00  
Councilman 6,700.00  
Councilman 6,700.00  
Councilman 6,700.00  
Town Clerk 33,430.00  
Town Justice 11,515.00  
Town Justice 11,515.00  
Superintendent of Highways 39,785.00  
Dated: October 7, 1999  
Published: October 21, 1999  
BY ORDER OF THE TOWN BOARD  
DAVID J. SHENK, TOWN CLERK  
10-21

TOWN BUDGET

FOR 2000

TOWN OF BOSTON

IN

COUNTY OF ERIE

CERTIFICATION OF TOWN CLERK

I, DAVID J. SHENK, Town Clerk, certify  
that the following is a true and correct of the 2000 budget  
of the TOWN OF BOSTON as adopted by the Town Board on the  
3 Rd day of NOVEMBER, 1999.

Signed, David J. Shenk  
Town Clerk

Dated 11/15/99

SUMMARY OF TOWN OF BOSTON BUDGET - 2000

	APP/OTH USES	-EST REVENUE	-UNEXP BAL	RSD BY TAX
A GENERAL	1,129,781.00	668,400.00	283,000.00	178,381.00
D HIGHWAY	908,819.00	304,000.00	69,000.00	535,819.00
SF FIRE PROTEC	524,495.00	0.00	15,000.00	509,495.00
SL LIGHT	23,800.00	0.00	3,050.00	20,750.00
SM AMBULANCE	99,484.00	0.00	19,000.00	80,484.00
SR REFUSE & GARB	376,992.00	0.00	44,352.00	332,640.00
SS SEWER #2	102,700.00	90,000.00	11,489.00	1,211.00
SW WATER #1	86,942.00	0.00	20,000.00	66,942.00
SW WATER #2	105,451.00	0.00	57,149.00	48,302.00
HSW WATER #1 EXT	7,753.00	0.00	0.00	7,753.00
HSW WATER #2 EXT	29,447.00	0.00	0.00	29,447.00
-----				
TOTALS	3,395,664.00	1,062,400.00	522,040.00	1,811,224.00 1,811,224.00

SUMMARY OF TOWN OF BOSTON BUDGET - 2000

		RATE	ASSESSED VALUE
A	GENERAL	0.7483	238,379,316
D	HIGHWAY	2.2477	238,379,316
SF	FIRE PROTEC	1.9686	258,804,561
SL	LIGHT	0.1867	111,093,652
SM	AMBULANCE	.31	258,436,337
SR	REFUSE & GARB	120.00 unit X 2772	332,640
SS	SEWER #2	53 units X \$7 84 units X \$10	8,500
SW	WATER #1	0.4972	134,652,679
SW	WATER #2	26 House w/out X \$13 = \$ 338 31 Parcel W/out X \$8 = \$ 248 355 House W/ser X \$130 = 46,150 87 Parcel W/ser X \$18 = 1,566	48,302
HSW	WATER #1 EXT	0.0030	2,549,200
HSW	WATER #2 EXT	61 Parcel W/serv @ 5.90 /Thou = 3,621,740 X 5.90  173 Parcel W/out @ .72/Thou = 11,222,150 X .72	

GENERAL GOVERNMENT SUPPORT - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
<b>TOWN BOARD</b>					
Pers Serv	1,010.1	25,260	26,040	26,800	26,800
Contractual	1,010.4	1,867	3,200	3,200	3,200
Total		27,127	29,240	30,000	30,000
<b>JUSTICE</b>					
Pers Serv	1,110.1	53,948	47,340	49,335	49,335
Equipment	1,110.2	0.00	3,500	200	200
Contractual	1,110.4	5,973	5,600	6,000	6,000
Total		59,921	56,440	55,535	55,535
<b>SUPERVISOR</b>					
Pers Serv	1,220.1	68,516	70,730	72,150	72,150
Equipment	1,220.2	6,198	500	4,000	4,000
Contractual	1,220.4	19,261	18,500	18,000	18,000
Total		93,975	89,730	94,150	94,150
<b>IND AUDIT</b>					
Contractual	1,320.4	2,600	2,920	2,675	2,675
Total		2,600	2,920	2,675	2,675
<b>ASSESSOR</b>					
Pers Serv	1,355.1	31,224	34,320	34,765	34,765
Equipment	1,355.2	4,465	1,500	500	500
Contractual	1,355.4	4,109	4,000	3,000	3,000
Total		39,798	39,820	38,265	38,265
<b>FISCAL AGENT</b>					
Contractual	1,380.4	0	0	0	0
Total		0	0	0	0
<b>TOWN CLERK</b>					
Pers Serv	1,410.1	55,122	57,630	60,480	60,480
Equipment	1,410.2	3,264	1,000	1,250	1,250
Contractual	1,410.4	2,892	4,200	4,400	4,400
Total		61,278	62,830	66,130	66,130
<b>ATTORNEY</b>					
Pers Serv	1,420.1	32,050	33,000	38,650	38,650
Contractual	1,420.4	808	3,850	3,850	3,850
Total		32,858	36,850	42,500	42,500
<b>ENGINEER</b>					
Contractual	1,440.4	7,271	13,000	15,000	15,000
Total		7,271	13,000	15,000	15,000

GENERAL GOVERNMENT SUPPORT - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
<b>ELECTIONS</b>					
Equipment	1,450.2	5,980	1,500	0	0
Contractual	1,450.4	7,325	7,400	11,496	11,496
Total		13,305	8,900	11,496	11,496
<b>REC MANAGEMENT</b>					
Pers Serv	1,460.1	997	900	2,000	2,000
Equipment	1,460.2	0	2,000	2,000	2,000
Contractual	1,460.4	2,000	7,350	7,200	7,200
Total		2,997	10,250	11,200	11,200
<b>BUILDINGS</b>					
Pers Serv	1,620.1	9,014	9,500	10,000	10,000
Equipment	1,620.2	0	3,000	3,250	3,250
Contractual	1,620.4	43,235	44,300	95,000	95,000
Total		52,249	56,800	108,250	108,250
<b>CENT GARAGE</b>					
Equipment	1,640.2	0	0	0	0
Contractual	1,640.4	0	0	0	0
Total		0	0	0	0
<b>CENT COMMUN</b>					
Equipment	1,650.2	0	0	0	0
Contractual	1,650.4	0	200	200	200
Total		0	200	200	200
<b>CENT PR &amp; MAIL</b>					
Contractual	1,670.4	17,416	20,000	20,500	20,500
Total		17,416	20,000	20,500	20,500
<b>SPECIAL ITEMS</b>					
Unalloc Insur	1,910.4	37,980	49,100	43,000	43,000
Munic Assn Dues	1,920.4	1,950	2,400	2,400	2,400
Judge & Claims	1,930.4	0	70	46	46
Purchase/Land	1,940.4	0	0	20,000	20,000
Tx&Asses Tn Prop	1,950.4	2,965	3,200	3,000	3,000
Unclassified	1,989.4	0	19,000	0	0
Contingent Acct	1,990.4	20,000	20,000	20,000	20,000
Total		62,895	93,770	88,446	88,446
<b>TOTAL GEN GOVT SUPPORT</b>		<b>473,690</b>	<b>520,750</b>	<b>584,347</b>	<b>584,347</b>

PUBLIC SAFETY - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
POL & CONSTABLES					
Contractual	3,120.4	836	850	875	875
Total		836	850	875	875
TRAFFIC CONTROL					
Contractual	3,310.4	4,257	3,500	5,000	5,000
Total		4,257	3,500	5,000	5,000
CONTROL OF DOGS					
Pers Serv	3,510.1	11,350	11,800	12,220	12,220
Equipment	3,510.2	0	500	500	500
Contractual	3,510.4	3,906	6,900	7,000	7,000
Total		15,256	19,200	19,720	19,720
SAFETY INSPEC					
Pers Serv	3,620.1	14,910	15,350	15,750	15,750
Equipment	3,620.2	0	250	250	250
Contractual	3,620.4	86	1,200	1,200	1,200
Demo Unsafe Bldgs	3,650.2	1,450	0	0	0
Total		16,446	16,800	17,200	17,200
TOTAL PUBLIC SAFETY		36,795	40,350	42,795	42,795

HEALTH - 2000 BUDGET

	CODE	ACT 98 99	BUDGET PRE 2000	ADOPT 00
REG YIT STATS				
Contractual	4,020.4	0	25	25
Total		0	25	25

TOTAL HEALTH                      0              25              25              25

TRANSPORTATION - 2000 BUDGET

	CODE	ACT 98	BUDGET 99	PRE 2000	ADOPT 00
<b>SUPT HIGHWAYS</b>					
Pers Serv	5,010.1	41,691	45,200	49,564	49,564
Contractual	5,010.4	1,507	2,500	2,500	2,500
Total		43,198	47,700	52,064	52,064
<b>GARAGE</b>					
Equipment	5,132.2	0	0	0	0
Contractual	5,132.4	23,310	20,000	20,000	20,000
Total		23,310	20,000	20,000	20,000
<b>STREET LIGHTING</b>					
Contractual	5,182.4	36,101	37,000	37,000	37,000
Total		36,101	37,000	37,000	37,000
		0	0	0	0
<b>TOTAL TRANSPORTATION</b>		<b>102,609</b>	<b>104,700</b>	<b>109,064</b>	<b>109,064</b>

ECONOMIC ASSISTANCE & OPPORTUNITY - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
<b>PUBLICITY</b>					
Contractual	6,410.4	391	1,000	1,000	1,000
Total		391	1,000	1,000	1,000
<b>PROG FOR AGING</b>					
Pers Serv	6,772.1	8,919	9,500	9,800	9,800
Contractual	6,772.4	1,514	1,500	1,500	1,500
Total		10,433	11,000	11,300	11,300
<b>TOTAL ECONOMIC ASSISTANCE &amp; OPPORT</b>		10,824	12,000	12,300	12,300

CULTURE & RECREATION - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
<b>PARKS</b>					
Per Serv	7,110.1	15,048	20,000	30,000	30,000
Equipment	7,110.2	1,631	8,000	8,000	8,000
Contractual	7,110.4	25,010	52,000	50,000	50,000
Total		41,689	80,000	88,000	88,000
<b>PLAY &amp; REC CENTERS</b>					
Per Serv	7,140.1	4,233	8,000	8,500	8,500
Contractual	7,140.4	4,149	4,000	4,000	4,000
Total		8,382	12,000	12,500	12,500
<b>BAND CONCERTS</b>					
Contractual	7,270.4	3,433	3,000	3,000	3,000
Total		3,433	3,000	3,000	3,000
<b>YOUTH PROGRAM</b>					
Pers Serv	7,310.1	84,537	62,000	64,000	64,000
Contractual	7,310.4	69,450	66,500	66,500	66,500
Total		133,987	128,500	130,500	130,500
<b>HISTORIAN</b>					
Equipment	7,510.2	1,001	1,000	1,100	1,100
Contractual	7,510.4	2,000	2,100	2,100	2,100
Total		3,001	3,100	3,200	3,200
<b>HISTORICAL PROPERTY</b>					
Contractual	7,520.4	4,300	4,800	4,900	4,900
Total		4,300	4,800	4,900	4,900
<b>CELEBRATIONS</b>					
Contractual	7,550.4	2,522	1,950	1,850	1,850
Total		2,522	1,950	1,850	1,850
<b>ADULT RECREATION</b>					
Contractual	7,620.4	16,445	16,700	17,200	17,200
Total		16,445	16,700	17,200	17,200
<b>OTH CULT/REC</b>					
Contractual	7,989.4	1,000	1,000	1,000	1,000
Total		1,000	1,000	1,000	1,000
<b>TOTAL CULTURE - RECREATION</b>		214,759	251,050	262,150	262,150

HOME & COMMUNITY SERVICE - 2000 BUDGET

	CODE	ACT 98	99	BUDGET PRE 2000	ADOPT 00
<b>ZONING</b>					
Pers Serv	8,010.1	851		1,500	1,500
Contractual	8,010.4	273		800	800
Total		1,124		2,300	2,300
<b>PLANNING</b>					
Pers Serv	8,020.1	1,544		3,000	3,000
Contractual	8,020.4	2,014		7,000	7,000
Total		3,558		10,000	10,000
<b>DRAINAGE</b>					
Pers Serv	8,540.1	0		0	0
Contractual	8,540.4	1,400		1,400	1,400
Total		1,400		1,400	1,400
<b>CONSERVATION</b>					
Pers Serv	8,710.1	405		500	500
Contractual	8,710.4	627		1,500	1,500
Total		1,032		2,000	2,000
<b>CEMETERY</b>					
Pers Serv	8,810.1	275		300	300
Contractual	8,810.4	0		400	400
Total		275		700	700
<b>HOME/COM SER</b>					
Pers Serv	8,989.1	0		0	0
Equipment	8,989.2	0		0	0
Contractual	8,989.4	16,014		16,000	18,500
Total		16,014		16,000	18,500
<b>TOTAL HOME &amp; COMMUNITY SERVICES</b>		<b>23,403</b>		<b>32,400</b>	<b>34,900</b>

UNDISTRIBUTED - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
<b>UNDISTRIBUTED</b>					
<b>EMPLOYEE BENEFITS</b>					
State Retirement	9,010.8	3,436	15,000	15,000	15,000
Social Security	9,030.8	33,587	37,700	41,200	41,200
Workmens Comp	9,040.8	4,582	8,000	6,500	6,500
Unemploy Insur	9,050.8	0	1,000	1,000	1,000
Disability Insur	9,055.8	188	500	500	500
Hosp & Med Insur	9,060.8	13,028	22,000	20,000	20,000
Total		54,821	84,200	84,200	84,200
<b>DEBT SERVICE</b>					
<b>PRINCIPAL</b>					
Serial Bonds	9,710.6	35,000	35,000	0	0
Bond Anticipation	9,730.6	48,000	26,000	0	0
Rev Anticipation	9,770.6	0	0	0	0
Total		83,000	61,000	0	0
<b>DEBT SERVICE INTEREST</b>					
Serial Bonds	9,710.7	3,623	1,208	0	0
Bond Anticipation	9,730.7	3,028	1,014	0	0
Rev Anticipation	9,770.7	0	0	0	0
Total		6,651	2,222	0	0
<b>INTERFUND TRANSFER</b>					
Risk Retention	9,901.9	0	0	0	0
Cap Proj Fund	9,950.9	1,504	0	0	0
Total		1,504	0	0	0
<b>TOT UNDISTRIBUTED</b>		<b>145,976</b>	<b>147,422</b>	<b>84,200</b>	<b>84,200</b>

TOTAL APPROPRIATIONS - 2000 BUDGET

	ACT 98	99 BUDGET	PRELIM 2000	ADOPT 2000
SUMMARY				
GEN GOVT	473,690	520,750	584,347	584,347
PUB SAFETY	36,795	40,350	42,795	42,795
HEALTH	25	25	25	25
TRANSPORTATION	102,609	104,700	109,064	109,064
EC ASSIS & OPPOR	10,824	12,000	12,300	12,300
CULTURE & REC	214,759	251,050	262,150	262,150
HOME & COMM SERV	23,403	32,400	34,900	34,900
UNDISTRIBUTED	145,976	147,422	84,200	84,200
TOT APPROPRIATIONS	1,008,081	1,108,697	1,129,781	1,129,781

\*

\*TRANSFER TO PAGE 2

GENERAL FUND ESTIMATED REVENUES - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
<b>OTHER TAX ITEMS</b>					
Lieu of Tax	A1081	372	0	0	0
Int/Pen R/Prop Tax	A1090	19,449	9,000	10,000	10,000
Non Prop Tax, Co	A1120	381,413	335,000	340,000	340,000
Franchises	A1170	41,300	28,000	30,000	30,000
<b>DEPARTMENTAL INCOME</b>					
Clerk Fees	A1255	3,746	1,500	1,500	1,500
Dog Control Fees	A1550	870	500	500	500
PROG FOR AGING	A1972	1,369	500	500	500
Park & Rec Charges	A2001	35,623	35,000	34,000	34,000
Zoning Fees	A2110	950	700	700	700
<b>USE MONEY/PROPERTY</b>					
Interest & Earnings	A2401	28,255	12,000	14,000	14,000
Rent R/Prop	A2410	28,958	30,500	30,500	30,500
Commissions	A2450	279	0	0	0
Games of Chance	A2530	174	0	0	0
Bingo Licenses	A2540	1,457	1,000	800	800
Dog Licenses	A2544	5,009	4,000	4,000	4,000
Licenses, Other	A2545	2,385	1,500	1,500	1,500
Building Permits	A2555	4,851	3,500	3,500	3,500
Permits, Other	A2590	5,455	0	0	0
<b>FINES &amp; FORFEITURES</b>					
Fines/Forfeit Bail	A2610	104,451	74,000	78,000	78,000
<b>COMPENSA FOR LOSS</b>					
Sale of Property	A2660	0	0	0	0
Sale of Equipment	A2665	0	0	0	0
Insur Recoveries	A2680	0	0	0	0
Oth Comp for Loss	A2690	0	0	0	0
<b>MISCELLANEOUS</b>					
Refunds Pr Yr Exp	A2701	0	0	0	0
Gifts/Donations	A2705	0	0	0	0
Miscellaneous	A2770	1,032	0	0	0
Interfund Revenue	A2801	0	0	0	0
<b>TOTAL EST REV FROM LOCAL SOURCES</b>		<b>667,398</b>	<b>536,700</b>	<b>549,500</b>	<b>549,500</b>

GEN FUND EST REVENUE - 2000 - PAGE 2

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
STATE AID					
Per Capita	A3001	38,923	29,000	30,000	30,000
Mortgage Tax	A3005	139,702	50,000	70,000	70,000
Record Management	A3060	5,937	0	0	0
Rec for Aging	A3801	0	0	0	0
Youth Programs	A3820	4,770	3,000	2,500	2,500
Other (FEMA & STAR)	A3089	56,301	20,000	16,400	16,400
Cultural Grants	A3897	0	0	0	0
TOT EST REV FROM STATE AID		245,633	102,000	118,900	118,900
REVENUE SUMMARY					
TOT EST REV FROM LOCAL SOURCES		842,439	536,700	549,500	549,500
TOT EST REV FROM STATE AID		245,633	102,000	118,900	118,900
TOT EST REVENUES		1,088,072	638,700	668,400	668,400
ESTIMATED UNEXPENDED BALANCE					
EST GENERAL FUND UNEXPENDED BALANCE (Transfer Total "Adopted" to Page 2)		1,027,101	289,638	283,000	283,000

HIGHWAY FUND - APPROPRIATIONS - 2000 BUDGET - PG 1

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
<b>GEN REPAIRS</b>					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	5,110.1	143,138	132,000	140,000	140,000
Contractual	5,110.4	56,706	92,000	125,000	125,000
Total		199,844	224,000	265,000	265,000
<b>IMPROVEMTS</b>					
Cap Outlay	5,112.2	27,719	30,000	33,000	33,000
Total		27,719	30,000	33,000	33,000
<b>MACHINERY</b>					
Pers Serv	5,130.1	0	0	0	0
Equipment	5,130.2	30,681	34,900	30,000	30,000
Contractual	5,130.4	99,457	100,000	100,000	100,000
Total		130,138	134,900	130,000	130,000
<b>MISC/BR/WDS</b>					
Pers Serv	5,140.1	0	0	0	0
Contractual	5,140.4	0	100	100	100
Total		0	100	100	100
<b>SNOW REMOV</b>					
Pers Serv	5,142.1	69,671	90,640	90,640	90,640
Contractual	5,142.4	51,863	52,530	53,000	53,000
Total		121,534	143,170	143,640	143,640
<b>SER/OTH GVT</b>					
Pers Serv	5,148.1	69,671	90,640	90,640	90,640
Contractual	5,148.4	52,781	52,530	53,000	53,000
Total		122,452	143,170	143,640	143,640
<b>EMPLOY BEN</b>					
State Retire	9,010.8	0	15,000	22,000	22,000
Soc Security	9,030.8	21,475	31,500	32,500	32,500
Workers Comp	9,040.8	21,384	25,000	25,000	25,000
Unemploy Ins	9,050.8	0	1,000	1,000	1,000
Disability	9,055.8	175	500	500	500
Hosp/Med Ins	9,060.8	43,393	51,500	51,500	51,500
Total		86,427	124,500	132,500	132,500
<b>TOT P. 1</b>		<b>688,114</b>	<b>799,840</b>	<b>847,880</b>	<b>847,880</b>

HIGHWAY FUND - APPROPRIATIONS - 2000 BUDGET - PG 2

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
<b>DEBT SERV</b>					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	53,000	39,000	54,178	54,178
Total		53,000	39,000	54,178	54,178
<b>INTEREST</b>					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	6,593	4,263	6,761	6,761
Total		6,593	4,263	6,761	6,761
<b>INT TRANS TO:</b>					
Cap Proj	9,950.9	0	0	0	0
Total		0	0	0	0
<b>BUDGETARY PROVISION OTH/USES</b>					
		59,593	43,263	60,939	60,939
<b>TOT APPROP &amp; OTH USES</b>					
Page 1		688,144	799,840	847,880	847,880
Page 2		59,593	43,263	60,939	60,939
Trans to Page TB-2		747,737	843,103	908,819	908,819

HIGHWAY FUND - ESTIMATED REVENUE - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
<b>LOCAL SOURCES</b>					
Lieu/Tax	1,081	1,100	1,000	0	0
Non Prop Tax					
Dist/County	1,120	185,000	185,000	185,000	186,000
Ser/Oth Govts	2,300	93,537	66,000	65,000	65,000
Int & Earn	2,401	8,055	2,800	3,000	3,000
Rent/Equip	2,416	0	0	0	0
Intfund Rev	2,801	16,000	16,000	18,000	18,000
Misc(Specify)	2,770	0	0	0	0
<b>STATE AID</b>					
Consolidated Highway	3,501	43,584	32,000	33,000	33,000
<b>FEDERAL AID</b>					
(Specify)	4,500	0	2,000	0	0
<b>INTER TRANSF</b>					
	5,031	0	0	0	0
<b>TOT EST REV</b>					
		347,276	304,800	304,000	304,000
<b>UNEXPEND BAL</b>					
		143,153	8,000	69,000	69,000
<b>Transfer Est</b>					
<b>Rev and Unexp</b>					
<b>Bal to TB-2</b>					

FIRE PROTECT DIST - APPROPRIATIONS - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
FIRE PROTEC					
Judg/Claims	1,930.4	0	0	46	46
Contracts	3,410.4	466,156	491,739	503,449	503,449
Comp Insur	9,040.8	19,856	21,000	21,000	21,000
Total		486,012	512,739	524,495	524,495
Tot Approp (Trans Adopt to Page 1)		486,012	512,739	524,495	524,495

ESTIMATED REVENUE

Int & Earn	2,401	2,687	0	0	0
Refund Pr Yr	2,701	0	0	0	0
Total		2,687	0	0	0

UNEXPENDED BALANCE

Est Fire Pr Dist Unexpd Balance	36,798	12,000	15,000	15,000	
---------------------------------------	--------	--------	--------	--------	--

Transfer  
total Adopt  
to page 2

LIGHT DISTRICT - APPROPRIATIONS - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
LIGHT DIST					
Judge/Claims	1,930.4	54	0	0	0
Street light					
Contractual	5,182.4	22,235	23,800	23,800	23,300
Total		22,289	23,800	23,800	23,800

Tot Approp  
(Trans Adopt  
to Page 2)

ESTIMATED REVENUES

Int & Earn	2,401	368	0	0	0
Tot Est Rev		368	0	0	0

(Trans Adopt  
to Page 2)

UNEXPENDED BALANCE

Est Light Unexp Bal		3,799	3,050	3,050	3,050
------------------------	--	-------	-------	-------	-------

AMBULANCE DISTRICT - APPROPRIATIONS - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
<b>AMBULANCE</b>					
Judg/Claims		0	0	0	0
Ambulance, Eq	1,930.4	0	0	10,000	10,000
Ambulance, C.	4,540.2	0	0	79,800	79,800
Total	4,540.4	73,889	78,200	89,800	89,800

<b>DEBT SERV</b>					
<b>Principal</b>					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	9,000	9,000	9,000	9,000
Total		9,000	9,000	9,000	9,000

<b>INTEREST</b>					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	1,040	684	684	684
Total		1,040	684	684	684

TRANS/CAP PRJ	9,950.9	0	0	0	0
Oth Uses					

Total Approp (Transfer Adopted to Page 2)		83,929	87,884	99,484	99,484
--	--	--------	--------	--------	--------

ESTIMATED REVENUE

Int & Earn	2,401	1,650	0	0	0
Total Revenue		1,650	0	0	0

(Trans adopt  
To Page 2)

UNEXPENDED BALANCE

Est Unexp Bal (Transfer tot to Page 2)		53,331	7,400	19,000	19,000
--	--	--------	-------	--------	--------

REFUSE & GARBAGE - APPROPRIATIONS - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
REFUSE/GARB					
Judge/Claims	1,930.4	0	125	0	0
Pers Serv	8,160.1	0	0	0	0
Contractual	8,160.4	360,006	369,108	376,992	376,992
Total		360,006	369,233	376,992	376,992

ESTIMATED REVENUE

Ref/Gar Chgs	2,130	951	0	0	0
Int & Earn	2,401	11,861	0	0	0
Total		12,812	0	0	0

UNEXPENDED BALANCE

Est Refuse & Garb Dist Unexp Bal	168,497	40,428	44,352	44,352
--	---------	--------	--------	--------

(Trans Adopt  
Totals to  
Page 2)

SEWER DISTRICT #2 - APPROPRIATIONS - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	PRE 2000	ADOPT 00
Treat/Disp					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,120.1	0	0	0	0
Equipment	8,120.2	0	0	0	0
Contractual	8,130.4	360	1,211	102,700	102,700
Total		360	1,211	102,700	102,700

ESTIMATED REVENUE

Int & Earn	2,401	708	0	90,000	90,000
Total		708	0	90,000	90,000

UNEXPENDED BALANCE

Est Sewer Dist Unexp Balance	12,384	0	11,489	11,489
---------------------------------	--------	---	--------	--------

(Transfer Tot  
to Page 2)

**WATER DISTRICT #1 - APPROPRIATIONS - 2000 BUDGET**

	CODE	ACT 98	99 BUDGET	TEN 2000	ADOPT 00
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	0	0	0	0
Contractual	8,340.4	40,460	35,000	38,500	38,500
<b>Total</b>		<b>40,460</b>	<b>35,000</b>	<b>38,500</b>	<b>38,500</b>
DEBT SERV					
Principal					
Ser Bonds	9,710.6	15,714	16,500	16,500	16,500
BAN's	9,730.6	0	0	0	0
<b>Total</b>		<b>15,714</b>	<b>16,500</b>	<b>16,500</b>	<b>16,500</b>
Interest					
Ser Bonds	9,710.7	32,635	31,942	31,942	31,942
BAN's	9,730.7	0	0	0	0
<b>Total</b>		<b>32,635</b>	<b>31,942</b>	<b>31,942</b>	<b>31,942</b>
<b>Total Approp</b>		<b>88,809</b>	<b>83,442</b>	<b>86,942</b>	<b>86,942</b>
(Transfer adopted to Page 2)					

**ESTIMATED REVENUE**

Spec Assess	1,030	0	0	0	0
Int & Earn	2,401	2,755	0	0	0
<b>Total</b>		<b>2,755</b>	<b>0</b>	<b>0</b>	<b>0</b>

**UNEXPENDED BALANCE**

Est Unexp Bal (Transfer tot to Page 1)		90,050	11,000	20,000	20,000
---	--	--------	--------	--------	--------

WATER DISTRICT #2 - APPROPRIATIONS - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	TEN 2000	ADOPT 00
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	91,907	0	0	0
Contractual	8,340.4	10,597	15,080	65,080	65,080
Total		102,504	15,080	65,080	65,080
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	8,000	8,000	8,000
Total		0	8,000	8,000	8,000
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	28,730	32,371	32,371
Total		0	28,730	32,371	32,371

Total Approp  
(Transfer  
adopted to  
Page 2

	180,200	51,810	105,451	105,451
--	---------	--------	---------	---------

ESTIMATED REVENUE

MISC (TAP IN)	2,701	0	0	0	0
Int & Earn	2,401	0	0	0	0
Total		0	0	0	0

UNEXPENDED BALANCE

Est Unexp Bal (Transfer tot to page 2)	165,287	5,000	57,149	57,149
--	---------	-------	--------	--------

WATER DIST #1 EXT - APPROPRIATIONS - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	TEN 2000	ADOPT 00
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	5,634	0	0	0
Contractual	8,340.4	0	0	0	0
Total		5,634	0	0	0
DEBT SERV					
Principal					
Ser Bonds	9,710.6	3,811	3,995	3,995	3,995
BAN's	9,730.6	0	0	0	0
Total		3,811	3,995	3,995	3,995
Interest					
Ser Bonds	9,710.7	3,944	3,758	3,758	3,758
BAN's	9,730.7	0	0	0	0
Total		3,944	3,758	3,758	3,758
Total Approp (Transfer adopted to Page 2)		13,389	7,753	7,753	7,753

ESTIMATED REVENUE

Spec Assess	1,030	0	0	0	0
Int & Earn	2,401	471	0	0	0
Total		471	0	0	0

UNEXPENDED BALANCE

Est Unexp Bal (Transfer tot to Page 1)		107,090	125	0	0
--	--	---------	-----	---	---

WATER DIST #2 EXT - APPROPRIATIONS - 2000 BUDGET

	CODE	ACT 98	99 BUDGET	TEN 2000	ADOPT 00
Trans/Dist					
Judge/Claims	1,930.4	0	0	0	0
Pers Serv	8,340.1	0	0	0	0
Equipment	8,340.2	832,680	6,028	0	0
Contractual	8,340.4	0	1,600	6,058	6,058
Total		832,680	7,628	6,058	6,058
DEBT SERV					
Principal					
Ser Bonds	9,710.6	0	0	0	0
BAN's	9,730.6	0	5,000	5,000	5,000
Total		0	5,000	5,000	5,000
Interest					
Ser Bonds	9,710.7	0	0	0	0
BAN's	9,730.7	0	16,332	18,389	18,389
Total		0	16,332	18,389	18,389
Total Approp (Transfer adopted to Page 2)		832,680	28,960	29,447	29,447

ESTIMATED REVENUE

Spec Asses	1,030	0	0	0	0
Int & Earn	2,401	0	0	0	0
Total		0	0	0	0

UNEXPENDED BALANCE

Est Unexp Bal (Transfer tot to Page 1)		415,319	0	0	0
--	--	---------	---	---	---

SCHEDULE OF SALARIES OF ELECTED TOWN OFFICIALS

(ARTICLE 8 OF THE TOWN LAWS)

OFFICER	1999 SALARY	PRE 2000 SALARY	2000 SALARY
SUPERVISOR	25,100	25,900	25,900
COUNCILMAN	6,510	6,700	6,700
COUNCILMAN	6,510	6,700	6,700
COUNCILMAN	6,510	6,700	6,700
COUNCILMAN	6,510	6,700	6,700
TOWN CLERK	32,450	33,430	33,430
TOWN JUSTICE	11,180	11,515	11,515
TOWN JUSTICE	11,180	11,515	11,515
SUPERINTENDENT OF HIGHWAYS	39,785	39,785	39,785

REGULAR BOARD MEETING  
NOVEMBER 03, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 2000 Light District Budget be approved as follows:

Appropriations	23,800.00
Less Estimated Revenue	00.00
Less Unexpended Balance	3,050.00
Amount to be Raised by Taxes	20,750.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the 2000 Ambulance Budget be approved as follows:

Appropriations	99,484.00
Less Estimated Revenue	00.00
Less Unexpended Balance	19,000.00
Amount to be Raised by Taxes	80,484.00

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2000 Refuse and Garbage Budget be approved as follows:

Appropriations	376,992.00
Less Estimated Revenue	00.00
Less Unexpended Balance	44,352.00
Amount to be Raised by Taxes	332,640.00

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 2000 Sewer District #2 Budget be approved as follows:

Appropriations	102,700.00
Less Estimated Revenue	90,000.00
Less Unexpended Balance	11,489.00
Amount to be Raised by Taxes	1,211.00

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the 2000 Water District #1 Budget be approved as follows:

Appropriations	86,942.00
Less Estimated Revenue	00.00
Less Unexpended Balance	20,000.00
Amount to be Raised by Taxes	66,942.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded Councilman Simmeth that the 2000 Water District #2 Budget be approved as follows:

Appropriations	105,451.00
Less Estimated Revenue	00.00
Less Unexpended Balance	57,149.00
Amount to be Raised by Taxes	48,302.00

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Tills that the 2000 Water District #1 Extension Budget be approved as follows:

Appropriations	7,753.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	7,753.00

five (5) Ayes Carried

REGULAR BOARD MEETING  
NOVEMBER 03, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Tills that the 2000 Water District #2 Extension #2 Budget be approved as follows:

Appropriations	29,447.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	29,447.00

five (5) Ayes

Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the 2000 schedule of salaries for the elected Town officials be approved as follows:

Supervisor	25,900.00
Councilman	6,700.00
Town Clerk	33,430.00
Town Justice	11,515.00
Town Justice	11,515.00
Superintendent of Highways	39,785.00

five (5) Ayes

Carried

TOWN ATTORNEY REPORT

Town Attorney Perley congratulated Highway Superintendent Kreitzbender, Councilmen Wiktor and Mead, Town Clerk Shenk and Justice Maxwell on winning the election.

Town Attorney Perley announced that National Fuel Gas has expressed concern regrading an exposed supply line pipe at the south end of the town park property. The town engineer will fax proposed plans to remedy the problem to National Fuel.

Town Attorney Perley noted that regarding the Hickory Meadows Subdivision, he received a letter of credit from Evans National Bank on behalf of Pearl Emerling which is a method for a developer to secure faithful performance of his work under a Public Improvement Permit.

Town Attorney Perley reported that over a year ago Professional Computer Support was awarded and paid for computer programs for the Bookkeeper and Town Justices and to date the programs are not operational. The new Town Justice program would allow the town to retain fine monies and remit only the state balance as opposed to the current system which remits all fine monies to the state and then the town is paid back. There is a substantial interest factor involved and the town is losing this interest.

Councilman Tills inquired if there was a warranty for his services and Town Attorney Perley responded that there is an implied warranty and that there is no contract with a specific date for performance but the contract is a year old and the law implies a reasonable period of time.

A motion was made by Councilman Mead and seconded by Councilman Tills to authorize Town Attorney Perley to notify Professional Computer Support to have both systems operational within thirty (30) days or necessary steps will be taken to rescind the contacts and seek reimbursement of monies paid.

five (5) Ayes

Carried

REGULAR BOARD MEETING  
NOVEMBER 03, 1999

TOWN HALL  
7:30 P.M.

COUNCILMAN REPORT

Councilman Wiktor announced that two (2) recreational programs will begin for young adults on Friday, November 5, 1999 at Boston Valley School. The first program from 6:00 to 8:30 p.m. is for children in grades 3 to 6 and the second program from 8:00 to 10:00 p.m. is for children in grades 7 to 10. Applications for discount ski passes and programs for Kissing Bridge and Holiday Valley are available in the Town Clerk's office.

Councilman Wiktor congratulated the election winners.

Councilman Mead thanked everyone who voted for he and Councilman Wiktor.

Councilman Tills announced that a Christmas Lighting Committee meeting will be held on Saturday, November 6, 1999 at 9:00 a.m. at Ed Cary's barn, 8626 Boston State Road, to replace bulbs on the christmas decorations. Volunteers are needed.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers' monthly report for October 1999 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for October 1999 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for October 1999 was received and is on file in the Clerk's Office.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:15 p.m.

*David J. Sherk*  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
NOVEMBER 17, 1999

TOWN HALL  
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

Rev. Gary Burdick, Faith United Church, opened the meeting with a prayer.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adopt the minutes of the November 3, 1999 Town Board Meeting.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #11A, dated November 17, 1999 in the amount of \$77,314.42 be paid.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #11A, dated November 17, 1999, in the amount of \$15,585.92 be paid.

five (5) Ayes Carried

Received and filed October 1999 Erie County Sheriff Monthly Report.

Received and filed notification from the Erie County Highway Department that the request of Julia M. Czechowski, 9734 Boston State Road, for a guiderail replacement on Boston State Road will be completed by spring.

Supervisor Rood noted that she has been informed that the guiderail for Boston State Road was installed today.

#### RESOLUTION 1999-30 UNPAID BILLS

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to approve an Agreement to Spend Year 2000 Town Highway Funds (CHIPS) on Hickory, Woodland, and Hillcroft Drives and Patchin Road.

five (5) Ayes Carried

Received and filed notification from William Eagan that he will return from his leave of absence to his Town Assessor position, effective December 1, 1999.

A motion was made by Councilman Simmeth and seconded by Councilman Tills, on the recommendation of Recreation Director Clesse, to appoint Marilyn Bigelow as Site Supervisor for the Friday Night Program, at a salary of \$7.50 per hour, term effective immediately and to expire on December 31, 1999.

five (5) Ayes Carried

Copier bids were received for the Supervisor's office as follows:

Minta Model DC-2360 On-Demand Copier	\$2,530.00
Buffalo Copier & Imaging Solutions Inc.	
Business Methods Inc.	3,854.00
Toshiba 3560 Copying System	
Copier Fax Business Technologies, Inc.	4,820.00
Konica 7033 Digital Copier	

# TOWN OF BOSTON



## TOWN OF BOSTON

RESOLUTION 1999 - 30

### UNPAID BILLS

At the regular Town Board meeting of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 17th day of November 1999 at 7:30 P.M. Eastern Standard Time, there were present:

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

Supervisor Rood presented the following resolution and moved its adoption:

BE IT RESOLVED that the Town Board of the Town of Boston does hereby request the County of Erie to place on the 2000 Tax Rolls the following Water Bills and Demolition Bill:

#### Water Bills:

SBL #	211.00-3-46.22	6193 WARD ROAD	\$ 110.30
	211.10-1-65	7167 ABBOTT ROAD	\$ 406.69
	211.10-2-22	5565 NORTHSIDE DRIVE	\$ 222.87
	227.00-5-20	6715 LIEBLER ROAD	\$ 48.08
	242.17-1-13	9177 STATE ROAD	\$ 324.24
	258.05-1-14	9346 STATE ROAD	\$ 19.54

#### Demolition Bill:

SBL #	211.10-1-66	5829 HERMAN HILL ROAD	\$ 3,888.00
-------	-------------	-----------------------	-------------

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

Supervisor Rood	Voting <u>AYE</u>
Councilman Wiktor	Voting <u>AYE</u>
Councilman Mead	Voting <u>AYE</u>
Councilman Simmeth Jr.	Voting <u>AYE</u>
Councilman Tills	Voting <u>AYE</u>

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

  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
NOVEMBER 17, 1999

TOWN HALL  
7:30 P.M.

Councilman Simmeth inquired if a maintenance agreement was included in the bid price from Buffalo Copier & Imaging Solutions Inc. and Supervisor Rood responded that this is the same company where the present copier was purchased and the existing maintenance agreement will be applied to the new copier when the warranty period expires.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to authorize the purchase of a Minta Model DC-2360 On-Demand Copier for the Supervisor's office from Buffalo Copier & Imaging Solutions Inc. at a cost of \$2,530.00.

five (5) Ayes

Carried

Supervisor Rood read a letter from the Boston Planning Board recommending approval of the site plan submitted by Jeff Kuhn, as the Final Site Plan for the construction of a warehouse on Herman Hill Road, subject to the conditions as set by Town Engineer Harris and Town Planner Brox and subject to landscape revisions.

Supervisor Rood read a letter from Town Engineer Robert Harris, R & D Engineering, stating that the Jeff Kuhn, Hamburg Overhead Door Site Plan Review, should be classified as an Unlisted Action under SEQOR and that the Town of Boston should be designated as the Lead Agency. After an independent assessment of the environmental impacts, no important impacts were identified. Regarding the drainage plan, it was not clear where storm water would discharge from the detention basin if a storm greater than the design storm were to occur or the basin outlet were to become plugged. Ken Kloebler, Consulting Engineer for Jeff Kuhn, said that the top elevation of the basin could be adjusted slightly to direct any overflow to the south from the basin where it would flow into the existing drainage swale and out through the existing 24 inch storm sewer flowing west. It is suggested that the comments returned to the Consulting Engineer request that this adjustment be reflected on the plans for the project.

Supervisor Rood noted that Ken Kloebler a sent a letter including ten (10) copies of the revised Kuhn Site Plan, Grading and Planting Plan, Office Building Landscape Drawing and the Front Building Elevation for the November 17, 1999 Agenda Review meeting. Also noted was the fact that the storm water detention basin was graded so that any overflow would occur toward the vacant property behind the Mobil station. The plan was also modified to incorporate the landscaping and tree planting and the pavement area was tightened up using less pavement.

Supervisor Rood and Town Attorney Perley complemented Jeff Kuhn and Ken Kloebler for presenting a complete application and honoring all requests in a timely manner.

Town Attorney Perley suggested that because of the time, detail and work spent by the Planning Board and the applicant, when the Board votes on the site plan, the modifications be incorporated, since this has been at the Planning Board level in some detail in the minutes.

A motion was made by Councilman Mead and seconded by Councilman Wiktor, based upon having taken a hard look at the Environmental Assessment Form and the potential environmental impacts, to authorize the Supervisor to execute a Negative Declaration in the Short Environmental Assessment Form submitted by the applicant.

five (5) Ayes

Carried

REGULAR BOARD MEETING  
NOVEMBER 17, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to accept the Jeff Kuhn Final Site Plan, as modified by the applicant, for the construction of a warehouse on Herman Hill Road, on the basis that the Town Board has specifically reviewed the modifications. First, to the parking area which was based upon concerns expressed by the Planning Board and reviewed with the applicant, the modification to the parking area that reduces the amount of pavement to be produced at the site and thereby also allows the inclusion of the larger and existing mature trees. Second, the landscape plan submitted by the applicant is submitted as a minimum landscape plan and is not in full compliance with the recommendations of the Planning Board and its Planning Consultant, however based upon the history of Mr. Kuhn and his property development, the Town Board is comfortable with the landscape plan as submitted although it is not in full compliance as submitted by the Planning Consultant and finally the Board approves the plan with the gable roof on the office portion of the structures as depicted in the front building elevation drawn by Telfair Construction, with the understanding that the main building is to be an off-white or beige/cream pre-engineered structure.

five (5) Ayes

Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to schedule a bid opening for One New and Unused 2000 Self Propelled Tandem Drum Asphalt Rollers for November 30, 1999 at 10:00 a.m.

five (5) Ayes

Carried

RESOLUTION 1999-31      NYS UNIFIED COURT SYSTEM -  
COURT AUTHORIZATION PROGRAM

SUPERVISOR REPORT

A) Supervisor's Monthly and Bank Account Reports for October is received and on file in the Town Clerk's Office.

TOWN CLERK REPORT

Town Clerk Shenk reported that the Safety Committee met on November 15, 1999 and reviewed the Town of Boston policy adopted for physical examinations. To date, one third of the firefighters have had physicals. Money was budgeted in 1999 for the physicals and additional evening hours will be available to complete the group before the first of the year. The PESCH logs were also reviewed and training was held for the fire companies. Currently, a priority item on the agenda is the installation of a sidewalk for the Emergency Squad building. An application has been filed for CDBG funds to bring the building into compliance and increase safety.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize the Highway Superintendent to advertise for bids on an old snowmobile trailer no longer in use in the Parks Department and schedule a bid opening for December 13, 1999 at 10:00 a.m.

five (5) Ayes

Carried

Highway Superintendent Kreitzbender reported that every vehicle in the Highway Department is ready for winter.

Highway Superintendent Kreitzbender noted that site work will begin in a few days on the Emergency Squad sidewalk.

# TOWN OF BOSTON



## RESOLUTION 1999-31

### NYS UNIFIED COURT SYSTEM - COURT AUTHORIZATION PROGRAM

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 17th day of November 1999 at 7:30 p.m., there were present:

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

The following motion was made by Councilman Simmeth:

It is moved to authorize the Supervisor to prepare, sign and submit a grant application entitled:

#### NYS UNIFIED COURT SYSTEM JUSTICE COURT AUTHORIZATION PROGRAM

and to be the official representative acting in connection with the application providing any additional information, if required, executing the contract with the understanding that if the grant is approved the Town of Boston will provide the defined cash and/or in-kind support not to exceed the value of \$1000.00 as its portion of the cost of the project.

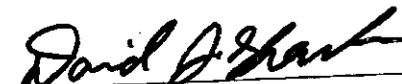
Motion was seconded by Councilman Mead and duly put to a vote, as follows:

Supervisor Rood	Voting	<u>Aye</u>
Councilman Wiktor	Voting	<u>Aye</u>
Councilman Tills	Voting	<u>Aye</u>
Councilman Simmeth	Voting	<u>Aye</u>
Councilman Mead	Voting	<u>Aye</u>

Ayes: 5

Noes: 0

Carried

  
David J. Shenk, Town Clerk

# TOWN OF BOSTON



TOWN OF BOSTON

RESOLUTION 1999 - 32

## SOCCER FIELD DEVELOPMENT PROJECT

At the regular Town Board meeting of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 17th day of November 1999 at 7:30 P.M. Eastern Standard Time, there were present:

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

Councilman Tills presented the following resolution and moved its adoption:

BE IT RESOLVED that the Town Board of the Town of Boston does hereby authorize the Supervisor to prepare, sign and submit a grant application entitled "Town of Boston Youth Soccer Field Development Project," and to be the official representative acting in connection with the application providing any additional information, if required, executing the contract with the understanding that if the grant is approved the Town will provide the in-kind support not to exceed the value of \$5,000 as the portion of the cost of the project.

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

Supervisor Rood	Voting <u>AYE</u>
Councilman Wiktor	Voting <u>AYE</u>
Councilman Mead	Voting <u>AYE</u>
Councilman Simmeth Jr.	Voting <u>AYE</u>
Councilman Tills	Voting <u>AYE</u>

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

  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
NOVEMBER 17, 1999

TOWN HALL  
7:30 P.M.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the Heffley Article 78 proceedings will be heard on November 23, 1999.

Town Attorney Perley reported that he met with the Bonerb family concerning the area of their land from the center line of the creek to the top of the high bank where there is a question of ownership. The Bonerb family is cooperative and a final word will be presented at the next Town Board meeting.

Town Attorney Perley noted that a letter has been sent to Professional Computer Support making time of the essence for the completion of the software and upgrades to the Town Justice and Bookkeeper computer systems.

Town Attorney Perley reported that the resolutions for Water District #3 were mailed to Rural Development.

Town Attorney Perley announced that on November 22, 1999 the Orchard Park Library, which is the hub library to the Boston Library, will meet with the Boston Library Board of Directors to discuss optimizing the use of the Boston Library and how the Orchard Park Library can provide Boston with services.

COUNCILMAN REPORT

Councilman Mead noted that the Planning Board found the Kuhn warehouse application to be in excellent order.

Councilman Wiktor commended the Buffalo News reporter who wrote the front page article regarding the recent decision of Blue Cross/Blue Shield to eliminate the CVS pharmacies from their network providers. Councilman Wiktor voiced his displeasure with this decision and does not feel this decision is cost effective.

Councilman Wiktor attended the first Friday Night Recreation Program at Boston Valley School and is pleased with the appointment of Marilyn Bigelow as a Site Supervisor.

Councilman Simmeth reported that he is working on a number of street lighting issues and one drainage problem on Back Creek Road. A full report will be presented at the next Town Board meeting.

Councilman Tills reported that he has been working with Councilman Wiktor and members of the Soccer Program to explore the possibility of developing other soccer fields in Boston. The Hamburg School Board was agreeable to using the Boston Valley School grounds. Councilman Tills requested permission to secure a grant to develop soccer fields. Supervisor Rood inquired if there were cash or in kind contributions required from the Town. Councilman Tills responded that there was not.

RESOLUTION 1999 - 32      SOCCER FIELD DEVELOPMENT PROJECT

Councilman Tills reported that on November 13, 1999 the Christmas Lighting Committee replaced all the bulbs on the Christmas decorations for Boston State Road.

A motion was made by Councilman Mead and seconded by Councilman Tills to adjourn the meeting at 8:05 p.m.

*David J. Sherk*  
DAVID J. SHENK, TOWN CLERK

REGULAR BOARD MEETING  
DECEMBER 01, 1999

TOWN HALL  
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

Rev. John VanHaneghan, Good Shepherd Lutheran Church, opened the meeting with a prayer.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the November 17, 1999 regular monthly meeting.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #12, dated December 1, 1999 in the amount of \$3,180.60 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to accept the Town Clerk's Report for November 1999.

five (5) Ayes Carried

Received and filed notification from NYS Board of Real Property Services that the Town of Boston new Tentative Equalization Rate is 73.70.

Supervisor Rood noted that the current equalization rate is 77.45 and she will review this decrease with the Assessor. When the rate goes up it is favorable, and if it decreases that is not good.

Town Attorney Perley commented that he has looked at the chart of area equalization rates and the Town of Boston has shown one of the more significant decreases. Town Attorney Perley will discuss the merits of contesting this tentative rate with the Assessor.

Received and filed the Year 2000 Operating and Maintenance Budget and Year 2000 Capital Budget from the Erie County Water Authority.

Supervisor Rood commented that the good news is that the ECWA water rates and hydrant fees are not going to be increased.

A motion was made by Supervisor Rood and seconded by Councilman Mead to approve the following corrections to the November 17, 1999 Abstract #11A as follows:

General Fund & Special Districts

From:	V #881	Parks	A7110.4	\$16,043.02
To:	V #881	Parks	A7110.4	\$ 43.02
	V #881A	Community Service	A8989.4	\$16,000.00
From:	V #865	Buildings	A1620.4	\$ 109.00
To:	V #865	Buildings	A1620.4	\$ 109.20

General Fund Total	From:	\$39,200.82	To	\$39,201.02
Total Abstract	From:	\$77,314.42	To	\$77,314.62

five (5) Ayes Carried

REGULAR BOARD MEETING  
DECEMBER 01, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to approve the following Highway Fund Transfer of Appropriations:

Approp D960		\$14,876.02
From: D9010.8	State Retire	\$14,876.02
To: D5110.1	Gen Repairs	\$ 6,926.71
	D5110.4	Gen Repairs
	D1930.4	Judge/Claims
		\$ 42.99
		\$14,876.02

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Tills to approve the following General Fund Transfer of Appropriations:

Approp A960		\$330.00
From: A6772.4	Nutrition	\$330.00
To: A1670.4	Cnt.Print/Mail	\$330.00

five (5) Ayes Carried

Received and filed from TVGA Engineering, change order #3 for work associated with the Mag Meter Installation to be completed in the chlorination building adjacent to the Zimmerman Road Water Storage Tank and estimates for payment regarding Water District #2 - West Hill Water Project and Contract #2 - Keller Road Pump Station.

Supervisor Rood commented that the change order is due to the ECWA request that additional chlorination controls be installed at the Zimmerman Road Water Storage Tank. The district will save \$1,000 by providing prompt payment.

A motion was made by Councilman Mead and seconded by Councilman Tills, on the recommendation of TVGA Engineering, to authorize Supervisor Rood to sign a Change Order and Final Payment to Kandy Co., Inc. for \$23,701.79 for Water District #2 - West Hill Water Project and Contract #2 - Keller Road Pump Station.

five (5) Ayes Carried

Supervisor Rood reported that after signing an Engineering Proposal with Nussbaumer & Clarke, Inc. the project for the East Hill Water District #3 project can go forward.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize Supervisor Rood to sign an Engineering Proposal with Nussbaumer & Clarke, Inc. dated November 19, 1999 for the East Hill District #3, contingent upon approval of NYS Audit and Control.

five (5) Ayes Carried

Received and tabled a letter from Adelpia Cable regarding a 20% Senior Citizen Discount for individuals 65 years or older, living in Adelpia's service area and having an annual household income of \$12,000 or less.

Supervisor Rood noted that there are concerns over the Adelpia Cable Discount Program and area Assessors will meet to discuss this issue in detail.

Town Attorney Perley will talk to Adelpia Cable about this proposal from a legal standpoint.

REGULAR BOARD MEETING  
DECEMBER 01, 1999

TOWN HALL  
7:30 P.M.

The following bids were received and read on Tuesday, November 30, 1999 at 10:00 a.m. for a One New and Unused 2000 Self-Propelled Tandem Drum Asphalt Roller:

<u>Company</u>	<u>Bid</u>	<u>Deliv.</u>	<u>NC</u>	<u>BB</u>
Baschmann Services	\$72,323.00	3 Weeks	X	X
Rupp Rental/Anderson Equip.	\$79,725.00	30 Days	X	X
Monroe Tractor	\$82,754.00	90-120	X	X

A motion was made by Councilman Simmeth and seconded by Councilman Tills, on the recommendation of Highway Superintendent Kreitzbender, to award Baschmann services the contract for One New and Unused 2000 Self-Propelled Tandem Drum Asphalt Roller at a cost of \$72,323.00.

five (5) Ayes

Carried

Received and filed Quotations for a Snowblower as follows:

- a) Trade-in blower is Troy-Bilt 5 HP - 21" width.  
Purchased 1/4/96 for \$765.  
b) All quotations are for 8 HP

1. Bar-Chel:		
John Deere 8280 - 26" width	\$1,340.00	
Less Trade	- 425.00	
Price	\$ 915.00	
White SB850 - 26" width	\$1,149.00	
Less Trade	- 425.00	
Price	\$ 724.00	
2. Ranco Equipment:		
Toro 824 - 24" width	\$1,364.00	
Less Trade	- 300.00	
Price	\$1,064.00	
3. Ray's Small Engine:		
Troy-Bilt - 26" width	\$1,294.20	
Less Trade	- 295.00	
Price	\$ 999.20	

Highway Superintendent Kreitzbender noted that in comparing the snowmobile machines the Troy-Bilt snowblower appeared to be a better built machine. It was the only machine with a cast iron gear drive system, the sheet metal was heavier and for longevity it appeared to be the best buy.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor, on the recommendation of Highway Superintendent Kreitzbender and Town Hall Laborer Jensen, to award the contract to Ray's Small Engine for a Troy-Bilt-26" width at a cost of \$1,294.20, Less Trade of \$295 for a total price of \$ 999.20.

five (5) Ayes

Carried

The following proposals were received and read on December 1, 1999 at 10:00 a.m. for the Town of Boston Master Plan:

<u>COMPANY</u>	<u>PRICE</u>	<u>NC</u>
TVGA	\$22,900.00	X
Peter J. Smith	\$23,300.00	X
Wendel	\$28,900.00	X

Supervisor Rood directed the Town Clerk to deliver the master plan proposals to the Planning Board for review and recommendations.

REGULAR BOARD MEETING  
DECEMBER 01, 1999

TOWN HALL  
7:30 P.M.

Town Attorney Perley commented that the Town Board has a vested interest in the master plan because it is regional in concept and ultimately the Town Board and the Planning Board will make use of this document. Town Attorney Perley suggested that the Supervisor, the Planning Board Chairman and the County jointly interview each company's proposal and make a determination as to which company should draft the master plan.

Supervisor Rood read a letter from Clayton G. Schunk requesting re-appointment to the Assessment Board of Review.

A motion was made by Supervisor Rood and seconded by Councilman Mead to re-appoint Clayton G. Schunk to the Assessment Board of Review, term to expire 9/30/04.

five (5) Ayes

Carried

SUPERVISOR REPORT

Supervisor Rood thanked Deputy Supervisor Wiktor and Assistant Lucille Genzel for having her office in good order when she returned from vacation.

Supervisor Rood directed Town Clerk Shenk to send Thelma Hornberger a letter thanking her for doing an outstanding job as Acting Assessor during Assessor Eagan's leave of absence.

Supervisor Rood announced that she is the Town Disaster Coordinator and there are Y2K brochures available in the Town Clerk's office. There is also a packet from NYSEG on Y2k. The three (3) fire companies and the Emergency Squad in town will be fully staffed on New Year's Eve. Patchin Fire Hall is the command center for the town and can be used as a shelter if needed.

Supervisor Rood announced that an application was made for a Hazard Mitigation Grant from FEMA for stream bank stabilization behind the Town Hall. Municipal buildings would be threatened in a flood and the creek bank is eroding. The application was made for rip rap work to be done. FEMA funds have been released as a result of a disaster in NY State and will cover 75% of repair costs. The FEMA grant last year saved the town \$35,000.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender thanked the Town Board for approving the roller purchase which will do a better job on summer road maintenance.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he has prepared a Local Law on the request of the Highway Superintendent to prohibit any owner, occupier, tenant, or snow plowing contractor to suffer or permit as well as to cause the plowing of snow across public highways in the Town of Boston. This is a safety concern because snow going across the road creates dangerous conditions for automobiles and disrupts plowing activities.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to schedule a Public Hearing on December 30, 1999 at 4:05 p.m. on Proposed Local Law No. 3 of the Year 1999 to prohibit the Plowing of Snow Across Public Highways in the Town of Boston.

five (5) Ayes

Carried

REGULAR BOARD MEETING  
DECEMBER 01, 1999

TOWN HALL  
7:30 P.M.

COUNCILMAN REPORT

Councilman Mead thanked Highway Superintendent Kreitzbender for doing a good job on the preparation work surrounding the Emergency Squad Building.

Councilman Mead thanked Nutrition Site Coordinator Donna Pfarner and Pat Forton for sending out a Nutrition Program flyer to re-introduce the Nutrition Program to senior residents in town and hopefully increase enrollment.

Councilman Wiktor announced that he attended the Boston Colden East Eden Fire Council meeting on November 30, 1999. The fire companies will be staffed for New Year's Eve and Patchin Fire Company will be presenting a demonstration on their FAST Team.

Councilman Wiktor reported that there were seventy-six (76) children in attendance at the Friday Night Recreation Program on November 26, 1999. The Site Supervisor is doing an outstanding job and has initiated a computer sign-in program for controlling the children's whereabouts. Children cannot leave the facility until the parents pick them up.

Councilman Wiktor reported that skiing registration is still in progress. The Recreation Director has added two (2) volunteers to help with the program.

Councilman Wiktor noted that the grant application for the Summer Arts Council Program has been submitted.

Councilman Wiktor announced that one hundred and one (101) children are participating in the Bowling Program on Saturdays.

Councilman Simmeth reported that regarding street light requests on Cole Road, the road is not in the light district and it is town policy that street lights only be installed at intersections in this area. Councilman Simmeth inspected a request from residents for lights on South Abbott Road between B-kwik and George's Hot Dog Stand.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to install a street light on South Abbott Road, pole #L892, 70 watt High Pressure Sodium Light at a cost of \$115.37 per year as proposed by NYSEG.

five (5) Ayes

Carried

Councilman Simmeth, regarding the ECWA Year 2000 Maintenance Budget, asked Town Attorney Perley if there was any legal way to amend the Town of Boston 2000 budget to have the 10% hydrant fee removed.

Town Attorney Perley replied no.

Supervisor Rood commented that when she was working on the Town of Budget in August she called ECWA regarding the hydrant fee rate increase and because she was unable to get a definite answer the increase had to be figured in the budget.

Councilman Tills announced that the dedication of the refurbished nativity scene will be on Sunday, December 5, 1999 at 2:00 p.m.

Councilman Tills reported that the application for the soccer field grant has been submitted and that J. O'Connell Grants Consultants, Ken Kloeber Engineers and Highway Superintendent Kreitzbender are to be commended for their efforts in helping with this grant.

REGULAR BOARD MEETING  
DECEMBER 01, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Tills to grant Town Board members permission to attend the Telecommunications Conference on December 16, 1999 at the Erie County Cooperative Extension Grove in East Aurora, fee of \$10.00 per person.

five (5) Ayes Carried

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for November 1999 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

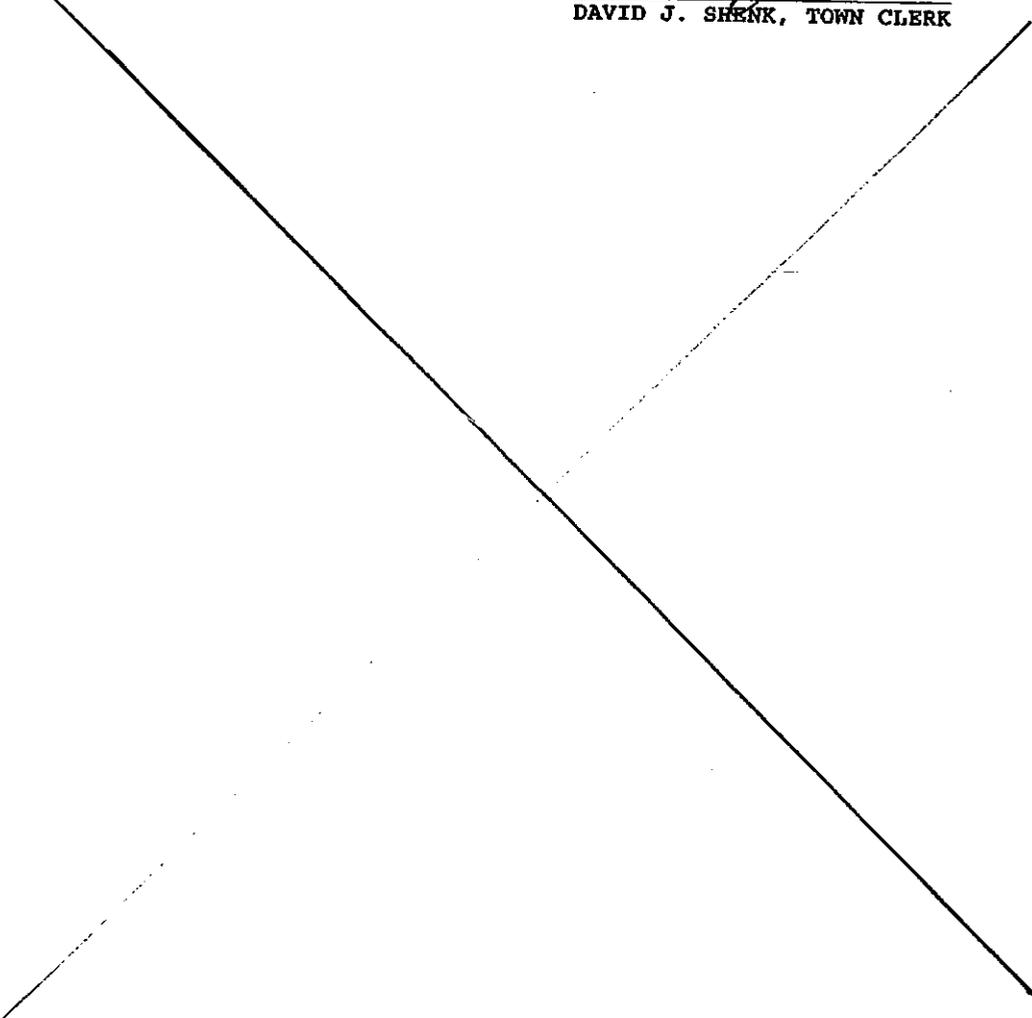
A) Dog Control Officer monthly report for November 1999 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for November 1999 was received and is on file in the Clerk's Office.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:23 p.m.

*David J. Shank*  
DAVID J. SHANK, TOWN CLERK



REGULAR BOARD MEETING  
DECEMBER 15, 1999

TOWN HALL  
7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender.

Absent: Councilman Karl J. Simmeth Jr. and Town Attorney Michael F. Perley.

Rev. Gary Burdick, Faith United Church, opened the meeting with a prayer.

A motion was made by Supervisor Rood and seconded by Councilman Tills to adopt the minutes of the November 3, 1999 Town Board Meeting with the following correction:

SUPERVISOR REPORT

From: Supervisor Rood announced that an application was made for a Hazard Mitigation Grant from FEMA for stream bank stabilization behind the Town Hall. Municipal buildings would be threatened in a flood and the creek bank is eroding. The application was made for rip rap work to be done. FEMA funds have been released as a result of a disaster in NY State and will cover 75% of repair costs. The FEMA grant last year saved the town \$35,000.

To: Supervisor Rood announced that an application was made for a Hazard Mitigation Grant from SEMO for stream bank stabilization behind the Town Hall. Municipal buildings would be threatened in a flood and the creek bank is eroding. The application was made for rip rap work to be done. SEMO funds have been released as a result of a disaster in NY State and will cover 75% of repair costs. The SEMO grant last year saved the town \$35,000.

four (4) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Tills, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #12A, dated December 15, 1999 in the amount of \$46,487.12 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #12A, dated December 15, 1999, in the amount of \$18,693.31 be paid.

four (4) Ayes Carried

Received and filed November 1999 Erie County Sheriff Monthly Report.

Received and filed a response from Erie County Legislator Marshall to the Town of Boston Resolution regarding the proposed closing of ECMC's Southern Erie Clinical Services.

Supervisor Rood commented that ECMC's Southern Erie Clinical Services will remain open and the Town of Boston Resolution was the first to request support for this clinic. Supervisor Rood thanked JoAnn Santonocito who was vigorous in this effort.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to accept the National Fuel 2000 Annual Blanket Highway Work Permit.

four (4) Ayes Carried

REGULAR BOARD MEETING  
DECEMBER 15, 1999

TOWN HALL  
7:30 P.M.

Highway Superintendent Kreitzbender commented that the National Fuel Blanket Highway Work Permit authorizes National Fuel to perform emergency work without seeking additional permits.

The following bid results for the Assembly and Installation of Recreation Equipment were opened and read aloud on December 8, 1999 at 10:00 a.m.:

COMPANY	PRICE	NC
Celtic Builders	\$19,035	X
Johnstone Landscape	\$14,850	X
N. Boston Construction	\$ 3,973	X
Titan Development	\$10,500	X
Gleason's Nursery	\$12,824	X

Supervisor Rood noted that the bids submitted used landscape timbers as borders for the playground equipment and the town would prefer plastic interlocking borders. Considering the wide discrepancy in the bids submitted it is recommended that the bidding process be repeated.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to reject the bids received on December 8, 1999 for the Assembly and Installation of Recreation Equipment and request that bids be re-submitted to revised specifications.

four (4) Ayes Carried

No bids were received for the 6' by 8' Highway Utility Trailer.

Supervisor Rood commented that the Highway Utility Trailer will be taken to the Spring auction.

Received a request from Robert J. DeSantis, 6346 May Drive, to renew a Special Use Permit for a Temporary Structure.

Supervisor Rood noted she has not heard any derogatory comments regarding this temporary structure on May Drive.

Councilman Wiktor thanked Mr. DeSantis for being cognizant of the original agreement.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to renew a Special Use Permit for a Temporary Structure for Robert DeSantis, 6346 May Dr., to expire on December 31, 2001.

four (4) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Mead to approve the following General Fund Transfer of Appropriations:

Approp		A960	\$19,432.65
FROM	Parks	A7110.4	\$19,432.65
Approp		A960	\$19,432.65
TO:	Justice	A1110.4	373.71
	Record Mgt	A1460.1	5,326.57
	Buildings	A1620.4	6,546.00
	Traff Control	A3310.4	3,298.37
	Demo/Bldgs	A3650.4	<u>3,888.00</u>
			19,432.65

four (4) Ayes Carried

REGULAR BOARD MEETING  
DECEMBER 15, 1999

TOWN HALL  
7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Tills to approve the following Highway Transfer of Appropriations:

Approp		D960	\$ 3,857.57
From	Mach/Equip	D5130.2	\$ 3,857.57
Approp		D960	\$ 3,857.57
TO	Cap Outlay	D5112.2	\$3,856.97
	Ban Int	D9730.7	.60
			\$3,857.57

four (4) Ayes

Carried

**SUPERVISOR REPORT**

A) Supervisor's Monthly Financial Reports for November is received and on file in the Town Clerk's Office.

Supervisor Rood reported that the letter of conditions for the East Hill Water District #3 will be signed on December 21, 1999 and forwarded to Audit and Control in Albany. Hopefully, this will be the last item needed for final approval so the project can proceed.

Supervisor Rood reported that she attended the fourth annual Erie County Nutrition Program Dinner at the Boston Town Hall on December 14, 1999. Supervisor Rood is thankful this program can be offered.

Supervisor Rood read a letter from Adelphia Cable regarding the Adelphia Citizen Discount Policy offering the option of implementing the program at satellite offices or through the Town of Boston Assessor's office.

Supervisor Rood commented that upon Board review, Orchard Park was the closest satellite office that our seniors could go to apply for the Adelphia discount. The same information required for the STAR program is required for the Adelphia discount which becomes a duplicating effort and would cause an inconvenience to our seniors.

A motion was made by Supervisor Rood and seconded by Councilman Tills to direct the Clerk to send a letter to Assessor Eagan requesting that he administer the Adelphia Discount Program and to submit a detailed plan to the Town Board describing how he plans to implement the program.

four (4) Ayes

Carried

Supervisor Rood noted that the Adelphia Senior Discount will make life easier for the seniors who qualify and will not be an undo burden on the Assessor's Office. Supervisor Rood thanked the Assessor for working with the Town Board on this matter.

Supervisor Rood wished a happy holiday and a trouble free Y2K.

**TOWN CLERK REPORT**

PROCLAMATION - LUCILLE C. GENZEL WEEK - DECEMBER 12-18, 1999

Town Clerk Shenk presented Lucille Genzel with the proclamation and flowers and wished her well in her retirement.

**HIGHWAY SUPERINTENDENT REPORT**

A motion was made by Councilman Tills and seconded by Councilman Mead, on the recommendation of Highway Superintendent Kreitzbender, to amend the Crew Chief Appointment made on November 3, 1999 to the reflect that the term has no expiration date, Section 140, NYS Highway Law, and runs co-current with the term of Highway Superintendent Kreitzbender.

four (4) Ayes

Carried

# TOWN OF BOSTON



## PROCLAMATION

LUCILLE C. GENZEL WEEK  
DECEMBER 12-18, 1999

WHEREAS, Lucille C. Genzel began her service with the Town of Boston in 1981 as Secretary to the Planning Board and Zoning Board of Appeals and,

WHEREAS, in 1982 she was promoted to Deputy Town Clerk, a position she retained until 1991 and,

WHEREAS, Lucille was a Legislative Aid to Erie County Legislator Fred Marshall until 1997 and,

WHEREAS, in 1994 she returned to Boston Town government, working in the Supervisor's Office until her upcoming retirement on December 31, 1999 and,

WHEREAS, during her tenure she spent countless hours of fun on projects such as Water District expansions and the decade long Zoning Commission and,

WHEREAS, on December 21, 1994, Lucille became the second woman in Boston's rich history to chair a Town Board meeting and,

WHEREAS, although asked many times, Lucille honorably declined to seek elective office but was instrumental as the "person behind the scenes" and,

WHEREAS, having enjoyed a non-political professional relationship, I thank you for a productive and pleasurable six (6) years.

### NOW THEREFORE

BE IT RESOLVED, LUCILLE C. GENZEL has spent over eighteen (18) years working for local government and,

BE IT FURTHER RESOLVED, she has earned a well deserved retirement and,

LET IT BE KNOWN, that she will be sorely missed.

NOW BE IT FURTHER RESOLVED, I, DAVID J. SHENK, BOSTON TOWN CLERK,

HEREBY PROCLAIM, the week of December 12, 1999 as LUCILLE C. GENZEL week in the Town of Boston.

Dated: 12/15/99

*David J. Sherk*  
DAVID J. SHENK, BOSTON TOWN CLERK

REGULAR BOARD MEETING  
DECEMBER 15, 1999

TOWN HALL  
7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT (cont.)

Highway Superintendent Kreitzbender reported that he met with TVGA and Erie County Highway Engineers regarding a water line problem on Keller and Zimmerman Roads. TVGA will cut the road one foot wide and one foot deep where the water is and install a drain pipe to a ditch on Zimmerman Road. The pipe will be covered with #1 stone and re-blacktopped in the near future.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize the Highway Superintendent to draw specifications for a 2000 one ton truck.

four (4) Ayes

Carried

Highway Superintendent Kreitzbender wished Lucille Genzel a happy retirement and thanked her for all her help in the Highway Department.

COUNCILMAN REPORT

Councilman Mead acknowledged that he is sorry to see Lucille Genzel retire and he wishes everyone a happy holiday.

Councilman Wiktor announced that the Town of Boston Ski Program will begin on Saturday, December 18, 1999 weather permitting or January 8, 2000. Busses are provided and bus policy regarding attendance accountability has been intensified with sign-up sheets to insure safety.

Councilman Wiktor congratulated Lucille Genzel on her upcoming retirement.

Councilman Wiktor thanked the students for attending tonight meeting.

Councilman Wiktor wished everyone the best of holidays.

Councilman Tills reported that on December 5, 1999 he attended the dedication of the nativity scene by the local ministries and refreshments hosted by the Boston Chamber.

Councilman Tills thanked Lucille Genzel for all her help noting that she will be missed.

Councilman Tills wished everyone a merry christmas and happy new year.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adjourn the meeting at 7:55 p.m.

*David J. Sherk*  
DAVID J. SHENK, TOWN CLERK

SPECIAL BOARD MEETING  
DECEMBER 29, 1999

TOWN HALL  
4:00 P.M.

Present were Councilman Damian P. Wiktor, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

Absent: Councilman Stephen K. Tills.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adopt the minutes of the December 15, 1999 regular monthly meeting.

four (4) Ayes

Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #12b, dated December 29, 1999 in the amount of \$10,701.90 be paid.

four (4) Ayes

Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #12b, dated December 29, 1999 in the amount of \$4,703.61 be paid.

four (4) Ayes

Carried

Received and filed an example, as recommended by Town Auditor, of a New Justice Court System, whereby the town transmits monthly to NYS Comptroller, fines collected, less town's share.

Supervisor Rood commented that NYS provided the town with the new Justice Court System software and the town was on-line in November. This system allows the town to keep all court receipts and interest and forward the State & County Distribution.

At 4:05 p.m. a Public Hearing was held to hear public comments on the Proposed Local Law No. 3 of the year 1999, entitled "A local Law to Prohibit the Plowing of Snow Across Public Highways in the Town of Boston, New York."

Supervisor Rood read the legal notice.

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

four (4) Ayes

Carried

Supervisor Rood: We have had a lot of complaints from the Highway Department, the County and residents of people who plow their driveways into the street leaving snow and creating a safety hazard. This Local Law would allow a penalty for this offence.

Councilman Wiktor: Wasn't it the Sheriff's Department and the State Police Department who asked that the town institute this type of a law to help them when they need to issue summons regarding this situation? We are acting in compliance with them and also it is a safety feature. I noticed that since the discussion of this, people who have been plowing seem to be pushing the snow further back. Word must have gotten out.

**LEGAL NOTICE  
TOWN OF BOSTON  
NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN** that there has been presented to the Town Board of the Town of Boston, Erie County, New York, Proposed Local Law Number 3 of the year 1999, entitled A Local Law to prohibit the plowing of snow across public highways in the Town of Boston, New York.  
**NOTICE IS HEREBY GIVEN** that the Town Board of the Town of Boston will conduct a Public Hearing on the aforesaid Local Law at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, December 29, 1999 at 4:05 p.m., Eastern Prevailing Time, at which time all interested persons will be heard.  
Dated: December 3, 1999  
Published: December 9, 1999  
**BY ORDER OF THE TOWN BOARD  
DAVID J. SHENK, TOWN CLERK  
12-9**

SPECIAL BOARD MEETING  
DECEMBER 29, 1999

TOWN HALL  
4:00 P.M.

Public Hearing (Cont.):

Supervisor Rood: This law will give the police division something to hang their hat on if they want to file charges.

Patricia Ball, Reporter, Southtowns Citizen: Isn't there already a State law that addresses this?

Town Attorney Perley: Where this law differentiates from the State law is that it creates from our standpoint, the enforcement of this against the property owner as a zoning matter. This law says that no property owner shall suffer or permit this to be done. Therefore an individual who contracts with someone to plow his driveway can't necessarily hide behind the fact that it is being done in an improper manner by the contractor. The police have indicated to us the need to observe someone in the act of plowing the snow across the road in order to prosecute. This creates the responsibility on the owner or occupant of the property to insure that it is done properly by individuals doing it on their behalf.

A motion was made by Supervisor Rood and seconded by Councilman Mead to close the Public Hearing at 4:08 p.m.

four (4) Ayes

Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to adopt Local Law No. 3 of the Year 1999, A Local Law to Prohibit the Plowing of Snow Across Public Highways in the Town of Boston, New York.

four (4) Ayes

Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to approve the General Fund Transfer of Appropriations:

Approp From	A960 Contg Fund	A1990.4	\$12,515.64
			\$12,515.64
Approp To	A960 Justice	A1110.4	\$12,515.64
	Supervisor	A1220.2	\$ 124.74
	Buildings	A1620.4	\$ 180.96
	Police & Const	A3120.4	\$ 3,019.92
	Traffic Const	A3310.4	26.00
	Safety Insp	A3620.1	\$ 3,465.49
	Demo Bldgs	A3650.4	.04
	Garage	A5132.4	\$ 3,888.00
	Prog/Aging	A6772.4	\$ 1,384.60
	Historian	A7510.4	65.89
	Celebrations	A7550.4	\$ 260.00
	Total		\$ 100.00
			\$12,515.64

four (4) Ayes

Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to approve the Highway Fund Transfer of Appropriations:

From	Approp	D 960	\$48,600.00
	Serv Oth Govts	D5148.1	\$24,000.00
	Snow Removal	D5142.1	\$24,000.00
	Serv Oth Govts	D5148.4	600.00
			\$48,600.00
To	Approp	D960	\$48,600.00
	Gen Repairs	D5130.4	\$ 2,799.77
	Mach/Equip	D5130.2	45,800.23
			\$48,600.00

four (4) Ayes

Carried

SPECIAL BOARD MEETING  
DECEMBER 29, 1999

TOWN HALL  
4:00 P.M.

Received and filed Notice of Decision: John and Joan Heffley vs. Town of Boston and Zoning Board of Appeals.

Supervisor Rood commented that John and Joan Heffley built an accessory building without obtaining a permit and the town referred the matter to the Zoning Board of Appeals for approval which was denied. The Heffley's filed an Article 78 and Judge Sedita ruled in their favor.

Town Attorney Perley responded that there is a special area of the law that applies only to Zoning Board's of Appeals and the use of a Planning Board case in the decision calls the decision into question. An appeal will be discussed with the Town Board in Executive Session. Town Attorney Perley would like it known that he disagrees with the court's decision. He believes that this matter was commenced untimely by the petitioner and also disagrees that the ZBA acted arbitrarily and capriciously. The time for appeal has not begun to run and the Order has not been served.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to schedule a bid opening for One New and Unused 2000 One Ton Truck with Dual Wheel and Dump Box for January 18, 2000 10:00 a.m.

four (4) Ayes

Carried

PROCLAMATION - BRIAN SEQUIN ATTAINS RANK OF EAGLE SCOUT

RESOLUTION 1999 - 33 TOWN FACILITIES

Town Clerk Sherk read a letter of resignation from Lucille C. Genzel.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the resignation of Lucille C. Genzel, effective December 31, 1999.

four (4) Ayes

Carried

The Boston Town Board, Town Attorney Perley, Highway Superintendent Kreitzbender and Town Clerk Sherk wished Lucille well in her retirement.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 4:28 p.m.

*David J. Sherk*  
DAVID J. SHENK, TOWN CLERK

# TOWN OF BOSTON



## **PROCLAMATION**

**WHEREAS**, the Town of Boston is honored to have a young man from Boy Scout Troop #491 who has attained the rank of Eagle Scout, and

**WHEREAS**, this nation has a great need for distinguished young people with leadership qualities who volunteer for public service, and

**WHEREAS**, the Eagle Scout project completed by this young man was painting the outside of Boston Fire Hall Station #2, and

**WHEREAS**, he was a 1999 graduate of Springville G.I. High School, where he ranked 10th in a class of 168 students and was a member of the National Honor Society, and

**WHEREAS**, he played the cello in the high school orchestra for four years and in the string orchestra for one year, as well as being in high school musicals for three years, and

**WHEREAS**, he also volunteered as a Boston fireman for three years and is presently a member of the Patchin Fire Company, and

**WHEREAS**, he is a freshman student at S.U.N.Y. Geneseo, where he is majoring in History and Secondary Education, and

**WHEREAS**, his accomplishments are not only a credit to him, but also to his parents, his Scout leaders and other members of Troop #491 who assisted him and encouraged him since he began scouting.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Boston, on behalf of the residents of our community, offer heartiest congratulations to

**BRIAN SEGUIN**

on receiving the rank of **EAGLE SCOUT** at a Court of Honor Ceremony on January 8, 2000, knowing that he will serve as a fine example to other young people who strive to attain the high principles of scouting.

Congratulations and best wishes for future continued success in your endeavors!

*Lisa M. Rood*  
Lisa M. Rood, Supervisor

# TOWN OF BOSTON



## TOWN OF BOSTON RESOLUTION 1999-33

### TOWN FACILITIES

At a Regular Meeting of the Town Board of the Town of Boston, Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York on the 29th day of December 1999 at 4:00 P.M. Eastern Standard Time, there were:

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

Supervisor Rood presented the following resolution and moved its adoption:

WHEREAS, the Town of Boston has duly established a Town Hall and Town Parks Policy for the Town of Boston, and

WHEREAS, the Town of Boston is interested in having the Town Hall and Town Parks facilities available to Town residents, and

### NOW THEREFORE:

BE IT RESOLVED, that Town Hall Policy and Town Parks Policy shall be as follows:

#### TOWN HALL POLICY

Planning Board Room / Court Room / Community Room-Kitchen

- 1) Approval granted by Town Clerk.
- 2) No alcoholic beverages or kitchen facilities allowed without Town Board approval.
- 3) No key will be provided during hours Town Hall is open.
- 4) Release of Town Hall Key requires signature and 48 hour return.
- 5) Deposit required for use of kitchen is \$50.00.
- 6) Deposit refunded only after satisfactory inspection following event or forfeited if not restored within 24 hour period.
- 7) First Priority - Town Government Groups.
- 8) Leaders, Coaches, etc. of youth organizations using the Community Room shall be made aware that supervision is necessary, especially with regards to the pool tables and equipment, which the senior citizens of the town use on a regular basis. No athletic shoes (cleats) are allowed in the Town Hall.

#### TOWN PARKS POLICY

- 1) No scheduling prior to January 1st of event year.
- 2) Letter of request and approval by the Town Board.
- 3) Certificate of Insurance required if alcoholic beverages served.
  - A) The Town of Boston must be listed as additional insured.
  - B) A minimum limit of \$ 500,000 Liability Insurance.
- 4) Bathroom & Water keys available for Emergency Squad/Parks Bldg.
- 5) Release of keys require signature and 48 hour return.
- 6) Deposit required \$50.00.
- 7) Deposit refunded only after satisfactory inspection following event or forfeited if not restored within 24 hour period.
- 8) First Priority - Town of Boston Groups.
- 9) Permission required from Parks Department to install event sign.

# TOWN OF BOSTON



BE IT RESOLVED, that violations of this policy will be handled in the following manner:

## PENALTY STRUCTURE

- 1) 1st violation - written warning
- 2) 2nd violation - one year denial of use

BE IT RESOLVED, that a check-list shall be posted in appropriate areas as a reminder to clean rooms after use.

BE IT RESOLVED, that the Town of Boston shall stock the Community Room and Bathroom at the Parks Building with the appropriate materials to clean rooms.

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

Supervisor Rood	Voting <u>AYE</u>
Councilman Wiktor	Voting <u>AYE</u>
Councilman Tills	Voting <u>ABSENT</u>
Councilman Simmeth	Voting <u>AYE</u>
Councilman Mead	Voting <u>AYE</u>

AYES: FOUR (4)

NOES: NONE (0)

ABSENT: ONE (1)

*David J. Shenk*  
DAVID J. SHENK, TOWN CLERK