

## Town Board Minutes January 22, 2003

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Richard K. Hawkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor William A. Eagan, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

PROCLAMATION ? KEVIN M. GASTLE EAGLE SCOUT

A motion was made by Supervisor Eagan and seconded by Councilman Mead to create the position of Clerk Typist PT (non-competitive class).

five (5) Ayes      Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the January 8, 2003 minutes.

five (5) Ayes      Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that fund bills on Abstract #1A, dated January 22, 2003 in the amount of \$117,762.44 be paid.

five (5) Ayes      Carried

Received and filed Erie County Sheriff's Report for December 2002.

Received and filed notification of the liquor license renewals from L&B Ventures, Inc., (a.k.a. Boston Hotel and Boston Inn) at 9378 and 9373 Boston State Road.

#### REQUESTS FROM THE FLOOR

Timothy Nizialek, 7706 Omphalius Road: I want to congratulate Supervisor Eagan on his negotiations that came to fruition with Orchard Park. We are wondering what the time line will be for water on the hill, Cole Road, Eddy Road and the area?

Supervisor Eagan: Today I spoke with Nussbaumer & Clark, the Project Engineers. The Town Board authorized bid openings for the waterline on 2/5, the pump station on 2/13 and the tank on 2/11. A newsletter is going out shortly to the public and I will touch on the water line and the stages of development.

Timothy Nizialek: I thank you and the Town Board for your efforts on behalf of the people on the hill. It's a long time coming.

Mark Flowers, 4642 Zenner Road: I recently wrote a letter to the Town Board on behalf of the Boston Fire Company, thanking you for your cooperation and expediency on getting the traffic light installed at Boston Colden, Boston State Road intersection. It was about a year ago today that the fatality there sparked this action. On my personal behalf I thank the Supervisor for taking hold of the situation and showing that with leadership we can make things happen here. This light will save lives and start paying dividends in the near future, not only for the people in this town but for those passing through. As a member of the Town Board when the road was installed, along with the late Supervisor Kennedy and the late Councilman Wittmeyer, the engineers who built the highway told us we didn't need a light there. In time we saw there was a problem and in the past we had an opportunity and let it slip through our hands. This time it didn't get away. Thank you.

Shirley Popoff, 6751 Hillcroft Dr: I have confirmed that plans are being made to transfer our State Police dispatchers to Clarence. The last time they were going to move them out, they stayed but closed the station on the night shift. Has the Town done anything to oppose this and why isn't the public made aware that this is happening? We need our troopers here.

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

Supervisor Eagan: This Town Board was just made aware of this.

Trooper Moretti Jr., a union representative for the NYS police, is here to speak on this. On Friday I will meet with Assemblyman Smith, who is attempting to schedule a meeting with the proper authority in Albany to address this issue. We will do everything we can because it affects all of us.

Trooper John Moretti Jr., Boston Barracks and Union Representative of the NYS PBA: I want to thank you for the opportunity to speak and I want to thank the Supervisor for his continued support of this issue. We made contacts with the NYS Assembly and Senate and other local Supervisors. I want to thank the Supervisor for his aggressive campaign to start a new station for the State Police in this area. The Division of State Police has been shrinking this station. In 1989 this was a 30-man station, there was a man on the 219, a man on the 400 Expressway, two men in Boston and Concord and two men in the Holland, Aurora area. We are down to two men on the road. I am here for the safety of my men. We do the same amount of work with less men and this town has been growing and the barracks is shrinking. The Erie County Sheriff's Department is our back up and we are theirs. I am also here for public safety and the public service that we provide for your town. The Boston station is an integral part of your community. We sit in your town park. We have a desk that is closed during the midnight hours and now they want to close it during the afternoon hours and shortly thereafter in the morning hours. So there won't be a trooper there. The letter capitalizes the importance of a desk trooper. Last week a sergeant and myself ran out to the parking lot to stop a road rage incident that could have escalated into a violent domestic or assault situation. It was stopped by the presence of troopers at the barracks. They came to this station because they knew a trooper was there. A call box to Clarence doesn't help much. Once they get rid of that desk it is gone forever and that trooper that they say is an extra trooper on the road, is there till someone retires and the station shrinks again. I was told this morning that through our work and with the help of the Supervisor, Assemblyman Smith, and Senator Volker, this plan is now suspended. So we have some good news and you can thank this Board and your elected officials. It is suspended for the time being but we may need your assistance in the future. Take this as a wake up call. I speak for all the troopers in the station, we appreciate serving you here. I represent 250 troopers in the eight counties of Western NY. Our manpower has been going down. The Governor has said that public safety will not suffer from the budget. We shouldn't lose any more troopers than we have already in Boston.

Councilman Wiktor: This is not the first time this happened to this barracks. Trooper DePasquale brought this to the attention of the Town Board and through the efforts of Assemblyman Smith, Senator

Volker and letters to Superintendent McMahon and Sergeant McGee, it was the same situation as now. They thought as time went on they could come back and reinvent this.

Trooper Moretti: There was a large letter campaign at that time. This not only affects the Town of Boston this affects Concord, Sardinia, Holland, Wales, Aurora, and Elma. That is where our troopers are. We can't come back to the desk because you are having a heart attack and you are waiting at the call box. That call box isn't going to help you. If you call Clarence that trooper isn't going to know the difference between Boston Cross Road and Boston Colden Road or that Heinrich Rd. is split by the 219. Every trooper that works at the Boston Barracks has worked the road for several years. This is one of the senior stations in NYS. We all know where Lango Farm is. The trooper in Clarence won't know that. Thank you for your time. I may need your assistance in the future.

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

Supervisor Eagan: We recognize that you are our number one defense against crime in our town and we will do whatever we can to assist in protecting our residents.

Councilman Simmeth: In your letter you state that you are looking for a resolution of support.

Trooper Moretti: That would be very helpful and a document that would go in front of the Superintendent and possibly the Governor's office. It only bolsters what you feel and what you would like to see happen.

Councilman Simmeth: We will work on that.

At 7:52 p.m. a Public Hearing

was held on Proposed Local

Law Number 7 of the Year 2002,

entitled ?A Local Law to  
Establish a Partial Exemption  
for Qualified Volunteer  
Firefighters and Emergency  
Squad Members.?

Supervisor Eagan read the legal  
notice.

Supervisor Eagan: This  
legislation from Albany  
attempts to complement our  
volunteer firemen by allowing  
them a tax exemption on their  
property taxes. It doesn't

amount to much but at least recognizes them for their unselfish contribution. Hopefully, as with the  
STAR and Senior Exemption program, the amount of the exemption might increase.

Councilman Wiktor: Maybe this would be another way of encouraging members to participate in the  
three fire companies and the EMS Service we have for the town. It is a small thanks for the many hours  
of dedication and training that the members must go through. It is the least that town residents can do  
for our volunteers.

Mark Flowers, Vice President Boston Fire Company: A number of our firefighters live in other towns.  
They have asked, that should this pass, will they qualify for this exemption?

Supervisor Eagan: The law reads that firemen have to maintain their primary residence in the Town of Boston. We can't pass a law to grant a tax exemption in another town. I would suggest they ask the Town Board in their community to pass the same law.

Town Attorney Perley: Mark, if you call me at my office I will review the underlying legislation with you and see if it is possible for you to make an application in the other towns for their service as long as they are still qualified volunteer firefighters.

Mark Flowers: How do we qualify that these people are in fact volunteer firefighters when they belong in one district and live in another?

Town Attorney Perley: The town is one protection district and our legislation is drawn on town lines. If you are a volunteer firefighter or EMS member and live within the Town of Boston you are entitled to the exemption. If we review the legislation together we can consider a way to approach the towns where your members are located and see if they are willing to pass similar legislation or a resolution and create eligibility for your members.

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

PUBLIC HEARING (CONT.):

Supervisor Eagan: Every Town Assessor has received the packet on this program from NYS. Any one of your members can check with them as well because they would know if any action will be taken.

Councilman Wiktor: I received information and comments from gentlemen in the East Eden Fire Company who are observing how we are doing this to take the information to their town. If one town does something that proves to be good, hopefully everyone else will follow suit.

Councilman Hawkins: Wouldn't the Awards Program which shows the number of credits the fireman has earned prove that he is a volunteer fireman in Boston?

Mark Flowers: It would definitely work.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to close the Public Hearing at 7:58 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to adopt Local Law No. 1 of the Year 2003 (Proposed Local Law #7 of the Year 2002), entitled, "A Local Law to Establish A Partial Exemption For Qualified Volunteer Firefighters and Emergency Squad Members?".

five (5) Ayes Carried

Town Attorney Perley: This legislation was authorized by a special act of the NYS Legislature. It is stated in the Local Law text that this law applies to any county having populations of not more than 950,000, but less than 960,000 as of the date of the last decennial census. Watch very carefully because if ten years from now Erie County falls out of that population range, this legislation will no longer be effective because it will no longer be authorized. Stay in touch with your NYS Legislature to make sure that you continue to qualify for this exemption.

At 8:00 p.m. a Public

Informational Hearing was

held for the Site Plan

Review application of

Southtowns Rural

Preservation at 9441

Boston State Road.

Supervisor Eagan read

the legal notice and noted that 59 neighboring property owners and the applicant were notified of the Public Hearing.

A request and a petition signed by 139 residents was received on January 15, 2003 to deny a change in the current zoning restrictions set forth in a February 15, 1999 Resolution restricting any expansion without Town Board approval.

Attorney Andrew Yusick Jr., Southtowns Rural Preservation Corporation: Karen Diemunsch, Executive Director knows the specifics. We have here enlarged copies of the plan and the architect to explain exactly what we are proposing.

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

PUBLIC HEARING (CONT.):

Karen Diemunsch, Executive Director SRPC, used the enlarged map plan to point out the specifics of the project and describe her application.

Karen Diemunsch, Executive Director SRPC: This project was submitted to Erie County for funding and we also received an award of funding from NYS Housing Trust Fund which was the original source of funding when we renovated the building in 1988-1990. We did a market study for the project in anticipation of submitting the application. The market study showed that there was a need for this housing in the Boston area and we submitted the applications and exhibits required by both the state and the county. This is a competitive program. We felt very fortunate that we were one of the few rural programs or projects that received funding in the State of New York. In years to come projects may not be as successful as they were this past year. There are shrinking dollars and there is more and more demand for housing like this. We feel we have a nice building here. We are conserving green space by going up. We sit back from the road and we responded to the concerns that were expressed by some of the neighbors. We provided a copy to all the Board Members. I also have some additional copies here if anybody in the audience would like to see a copy of our response to the concerns that were raised. I would be glad to show it to you. I also have copies of our applications that we take for our prospective tenants. I have copies of the leases that we use for our program and how we determine income eligibility. I am willing to answer any questions you may have.

Paul Becker, 6468 LuDon Dr. and Director of the SRPC: As Karen mentioned we did offer a response to the issues raised in the fact sheet and the petition that was circulated. I think it is important as members of the community, individually and collectively, as people interested in public service, as you folks are elected and I am, that serve on a variety of volunteer boards, to understand the needs of our community and help meet those needs. I gathered some information from the latest census and it does break out Boston in particular. To understand the needs within our community I looked at the number of families in Boston and there are a total of 2248 families residing in the Town of Boston. 4.1% or 93 of those families are living with an income of less than \$15,000 a year. These people definitely qualify for this kind of housing. Another 260 or 11 ½% is living on less than 50% of the median income. They are living on an income of \$15,000-\$25,000 a year. There is another 218 or 10% of our population that are living on incomes of \$25,000-\$40,000. These are residents that are living now in our town. I say there is a specific and a recognized need, not only from the information that we gathered as part of the process to get the grants, but also from the latest 2000 census data. I want to say as a citizen and as a person involved in the community here, I strongly am in favor of your favorable consideration of this proposal.

Mary Anne Jehle, 9432 State Road: This is an issue that has been going on for a long time. I am one of those who started this petition and I sent a letter along with Barbara Cudeck. It is the same concern we had 13 years ago and I know that the SRPC is very well aware of this. I had no quarrel and I don't think anyone else in my community has a quarrel with the SRPC or Karen Diemunsch. She has done a lot for the community. She has done a lot for individuals in the community. We don't have a quarrel with that. What we do not like is this new project, a shift in their focus to construction and management of low income housing, away from rehabilitation and this idea of bringing the community together. We also

don't feel that putting low-income people in a concentrated area in our little rural hamlet is a good idea because we don't think it will serve the clients well. There are

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

PUBLIC HEARING (CONT.):

Mary Anne Jehle (cont.): no opportunities there. There are no services for them there. The shopping and employment opportunities are nine miles away. This doesn't seem like a place to herd low-income people. Yes we have low-income people, especially in the hamlet of Boston and we hope that isn't why they expect to concentrate more low-income people in that particular area. We know that they service ten towns and five villages. It seems like a village would have been a much better place for this kind of facility where there would be some opportunities for these people. It also seems like a monumental task for the SRPC to take and service these many people. I think it is over 60,000 people in that area. We don't really see how they will have time to continue the work that they were doing for the individual families and homes in the community if they are busy with managing low income housing. We are also concerned about the cuts. We said that 13 years ago. What if the state cuts the funding? Well they did and they had to cut their staff. What happens if the state cuts it further? Then who is going to manage this building? Will this be the end of it? Is this nine units the last thing they are going to do or is it just the beginning? After going door to door I found that this is the majority opinion in my hamlet.

Donna Odoj, former resident SRPC: I am not a piece of cattle that needs to be herded thank you. I was a resident in the apartment they are mentioning. Those apartments gave my son and me a place to live. A place that he called home. A place that he was willing to bring his friends home to. There is nothing wrong there. We are not clients. We are residents of the Town of Boston. We deserve a place to live. We don't cause trouble. There has never been a police call at those apartments. There has never been a fire call at those apartments. I am a town resident that has worked in this town for the last 23 years. I work at B-Kwik for those who don't know me. Yes, that may make me low-income but does that make me a bad person? No. These people are restricting good people from having a place to live in the Town of Boston. The residence that I currently live in, which I am not condemning, it is a beautiful house, it's too expensive. The utility bills for the SRPC building on budget is highly affordable so the building is not only comfortable it is affordable for normal residents like myself. So that is not a problem. It is something we can easily manage. I don't see why they should create such a big problem. My son would have been here tonight but his comment was, "why does a small town have to pick on small people? Why can't they just let things go? Why do they have to rule out good people?" That is what I am hoping you don't do, eliminate the people that want to live here, that have always lived here. Let us be a part of the Town

of Boston. I have done enough for this town in the last twenty years that I have lived here that I deserve a right to stay here. If you don't go ahead with this project, I'll have to move out of this town because there is no affordable housing left here.

Karen Diemunsch: I would like to respond to some of the comments that Ms. Jehle raised. We did provide a copy to each one of the Board Members and I would just like to give some copies to the audience to address some of these concerns that have been raised.

Shirley Popoff: Low income doesn't mean that these people are lawbreakers etc. If they get a break then they can do things. They can add something more than just money. That is character and working to make things better and I feel that these people deserve the chance.

Barbara Cudeck, 9414 Boston State Road: I have forty more signatures on the petition from the area around the building that they are talking about expanding. I have lived in the town 20 years and I came into the town as a low-income person. At the

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

PUBLIC HEARING (CONT.):

Barbara Cudeck (cont.): time I wasn't married and I worked to build the house I have and expand where I am now. We are on a fixed income and I consider myself middle income. I do feel that the town does need low-income housing but I don't feel that the south end of town is the appropriate place to put it. We have no stores in the vicinity. No laundromats. I don't know where these people will work. I've known Donna (Odoj) since I've lived here and I know she at least has the transportation to get around town. I am not exactly sure how the living situation is in the apartments. Like she said, I never had any qualms with what is going on there. I do know that when we had our concerns back in 1989, the Town Board assured us that if this was rezoned and if this was put in, this would be in our best interests. There would be somebody on site that would watch what was happening. Is there going to be managers in this apartment? You are talking about putting 13 families in this unit. This sounds to me like a business. This isn't run by an organization that is running a business. I really don't see that it is going to benefit that end of town. It just doesn't seem feasible to put that many people in one place with no place to go.

Rita Rohner, 9441 Boston State Road: I have a low income. I raised four children and they are all college graduates. For 15 years I lived in North Boston on Pinecrest Terrace. I come from a good background but my social security and small pension puts me at low income. I have a son and his family live in Concord. I have a daughter who built a brand new house on Boston Cross Road. I am at the apartment six years and yet they bought after that. They didn't object to low income. Anyone is invited to my apartment any time. I am not ashamed of it. It is very nice. I have a car because I have good credit. There is a bus that comes in at 6:00 in the morning and at 6:00 in the evening if someone did need to get downtown. My car is brand new and people can't say that there is low income with a new car. I have excellent credit so it is on payments for five years. I like the place. Karen is wonderful to me. The maintenance is very good there. It is an excellent place to live. I am very happy there and I am not afraid of more families because my first apartment was in Hamburg and there were eight apartments and we all got along. We shared the washers and dryers. We drove people and helped each other out. I know many people here and they know me. I don't think they object to me as low income.

Shannon Earl, SRPC employee: I am an employee of SRPC and a former resident there. I obtained the job because they were looking for someone and the job allowed me to get my income high enough to be a homeowner. I want to address that there are several job opportunities in Boston. Evans National Bank was just hiring. Also B-Kwik, Brunner's Pizza Baron, CVS, Boston Terra Cotta, the E-Z Shoppe, Mobil, Dr. Elher's office, Tim Horton's, St. John's Church, Churchill Child Care Center, Early Bird Day Care Center, Valley Pizzeria, Mariano's Pizzeria, and Boston Valley School.

Karen Diemunsch: As for on-site management, our office is located in the building. That is considered on-site management. We are there five days a week, sometimes six. I've been known to go over at three or four in the morning if someone needs help. We have an office in the building and that will continue with the addition.

Joseph Hynes, 9401 Boston State Road: I don't think anyone here wants to pick on low-income people. The people who live in the area of this proposed project question why SRPC is suddenly becoming a landlord instead of doing what they initially did back in the eighties. That is helping low income people put a roof on their house, fix water lines etc. Can you tell me why they are now landlords as opposed to helping people with their projects?

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

PUBLIC HEARING (CONT.):

Karen Diemunsch: We have been a landlord since 1989. We managed those apartments for the last 12 years. We still run the Home Repair Program. Our mission statement is to create affordable housing and assist homeowners in any way we can. We had the building here and we felt it was a good opportunity because of the need. The market study showed that there was a need for affordable housing.

James Pluta, 6973 Boston Cross Road: I am the Chief of the Patchin Fire Company. This is the first time I have seen the plans and I have great concerns about the construction. It looks like it is going to be a truss roof. To firemen, truss roofs are the greatest killers to us. Are there any fire stops or anything above the second floor ceilings to prevent the fire from spreading? We have increased the size of the building tremendously. My concern is our safety. That is my question to the Town Board to insure our safety, make sure that there are firestops or something in there. It is new construction and truss roofs are killers.

James Halfpenny, SRPC Architect: I do not remember every item in the NYS Building Code but that division of space is required. I can't tell you the exact square footage but that space within the trusses will be divided within the area of a thousand to two thousand square feet to alleviate the problem you are talking about and of which I am very much aware of. Between each apartment and when a fire rating is required, one-hour fire rating from floor to floor is required. The existing construction is a type of bar joist roof and on that is a three-inch concrete slab so there is your fire protection from first to second level. We have to meet NYS codes and the Town Building Inspector will insist on that of course.

James Pluta: State codes don't cover everything.

James Halfpenny: With the Town Inspector, I think it would be appropriate for one of your gentlemen to make a review of the working drawings once they are done which will show all those items.

Ellen Munger, 9399 Boston State Road: I would like to reiterate what Mr. Hynes said. There is no one in our community that I am aware of that has any difficulty with low-income housing or with people of low income. My family received assistance from SRPC five years ago to update our home. They have been wonderful. I think the biggest concern that we have is that all of the sudden they are building a very large unit for many people. Back during the original time people moved into the building we had concerns in the neighborhood of getting a large unit at this site. We have a lot of low-income people in

our area already. I don't know if we want to get into anything that big. The three units were fine but we are not sure we want to go that large.

Karen Diemunch: Twelve units are not considered large by any means. Many of the projects funded by NYS are a minimum of 24 units. In Hamburg there are 72 units so our project is considered a very small project. We have over three acres of land. If we had decided to apply for tax credits we could have gone to a much bigger project to secure funding from the state. My concern was to keep it small because of the nature of the neighborhood in Boston and to be true to the original building.

Councilman Simmeth: The residents have concerns that the introduction of low-income government housing projects will devalue the surrounding property. I can't find anything pro or con in your response.

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

PUBLIC HEARING (CONT.):

Karen Diemunsch: Our response in paragraph #7 states that based upon statistics obtained from Buffalo Multiple Listing Exchange.com, the median list price for a home in the Town of Boston is \$139,950, and the median sale price is \$177,000. The average sale price is \$161,475 based upon 1874 square feet. According to the Buffalo Niagara Association of Realtors, these sale prices far exceed the area's average sale price of \$83,815. Thus, the additional apartments within the Boston School will have negligible impact on the value of surrounding property.

Councilman Simmeth: I think what the residents are asking is that if you have built these homes in other towns or villages in our area, did the values of the homes in the immediate area drop?

Karen Diemunsch: We haven't built any. Other groups have built. Belmont Shelter has built and to my knowledge there hasn't been a significant drop in property values. There are subsidized units by B-Kwik, the Boston Square Apartments, and to my knowledge the value of the property in Boston hasn't been affected.

Councilman Simmeth: As far as income limits. I want to purchase a house and I am a single dad with a child. What is the maximum I can make?

Karen Diemunsch: I included income guidelines. There is a range of income. A low of 30% of median income up to 80% of median income. In a two-person household, the maximum income would be \$32,500. HUD provides the income figures and they always go up. They never go down. My gut feeling is that we could be getting an updated income guideline very soon.

Councilman Simmeth: So I could be making \$15 hour and qualify for your housing?

Karen Diemunsch: Yes.

James Pluta: Is there a preference given to Town of Boston residents?

Karen Diemunsch: We can't do that. That is discrimination.

James Pluta: Well I'd like to help out the town residents obviously. But there is no preference to residents in the Town?

Karen Diemunsch: Everyone has an equal opportunity to apply. We advertise and anyone interested will apply.

Councilman Mead: There is a set of plans in the Planning Board Room if anyone wishes to look at them.

Karen Diemunsch: Or anyone can come to the office. I will be glad to show them the plans in greater detail. We're open 9-5, Monday -Friday.

Ellen Munger: What happens if things change and SRPC doesn't own it anymore?

Karen Diemunsch: NYS would take over ownership.

James Pluta: If a resident of the town applied and they were making \$30,000 a year and somebody from outside town applied and they were making \$20,000, is the preference given to the \$20,000?

Karen Diemunsch: We are not going to give preference to anybody. With a group of applicants we may wind up with a lottery which is what the state is suggesting.

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

PUBLIC HEARING (CONT.):

Supervisor Eagan: Are you saying that applicants will apply and you will take the application without making a commitment and then that will be reviewed through your internal process as to who gets the apartment and who doesn't?

Karen Diemunsch: We would first screen them to determine if they are income eligible.

Supervisor Eagan: Let's assume they are all income eligible for the number of units. How do you choose, from an allotment of fifty applicants, who gets the apartment?

Karen Diemunsch:      We would have to have a lottery.

Joseph Hynes: How many new units?

Karen Diemunsch: Nine.

Joseph Hynes: How much funding are you getting from the government?

Karen Diemunsch: We have two sources of funding, from NYS Housing Trust Fund Corp we are receiving \$480,240. From Erie County we received a funding commitment of \$357,411 for a total of \$837,651.

Joseph Hynes: So we have close to a million dollars worth of funding to benefit nine families. Wouldn't that money go a lot further to help people that need to fix their houses? You could help a heck of a lot more families with \$800,000.

Karen Diemunsch: NYS has a variety of programs that you can apply for. There are Capital Project Programs which is the funding source for this project. We also apply for Home Repair Programs and that comes under another pot of money. We have been very successful since 1990. We have received six funding awards for home repair and each award has been in the neighborhood of \$200,000. Our last award was \$300,000. We use those funds to assist eligible homeowners throughout our service area. When you get a grant award, the grant has to be used for very specific purposes. This is designated by the funding source whether it is NYS, the County or we have even gotten a loan from the Federal Home Loan Bank to help very low income homeowners with their needed home repairs.

Councilman Hawkins: I would like to know how we are going to be helping the residents of Boston if we have this unit and there is a total of 12 units and lets say 6 different families of low income people from Boston qualify and let's use Donna (Odoj) for an example because I know Donna, she works very hard and I don't look at her income, I look at her as a person and I think she is a very fine hard working person, but let's say 6 families in the Town of Boston apply to stay there and Donna could be one of them and she may be turned down, so we could be technically helping people from West Seneca, Hamburg, Orchard Park and wherever else that wants to come in. We are not actually going to be helping the residents of Boston stay here. Donna may work very hard and want to get in there but if you are going for a lottery system to keep her there, she may not be there.

Karen Diemunsch: Our experience over the last 12 years has been that most of the applicants for our apartments, when we have a vacancy, are from the area. Maybe Springville, maybe North Collins. When

we did the market study we had to determine what market we would draw from and that is determined by a certain mile radius from the unit. We also had to include Hamburg and of course there is a lot of competition for units from Hamburg. Say we had 50 people who apply for the apartments and we have a

JANUARY 22, 2003 7:30 P.M.

PUBLIC HEARING (CONT.):

Karen Diemunsch (cont.): lottery and we would maintain those people on a wait list. Then when somebody moves out, you contact the people on the wait list and see if those people are still interested. So if Donna didn't make it in the lottery she would be on our wait list and the first available unit that was suitable for her, we would give her a call.

James Pluta: We are sticking this unit in where the residents live and there is no tax base, I'm assuming, because this is a non-profit. They don't pay any taxes to us and yet it may not directly benefit us, the town residents. That was my whole point.

Karen Diemunsch: We do pay Special District taxes on our property.

James Pluta: Which ones are those?

Town Clerk Shenk: Special Districts would be fire, light, water, ambulance and sewer. It would not be general fund, highway fund, or county use. I believe you don't pay school taxes.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to close the Informational Public Hearing at 8:42 p.m.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Hawkins to table the application of the Southtowns Rural Preservation Corp., 9441 Boston State Road.

five (5) Ayes Carried

#### REQUESTS FROM THE FLOOR (cont.)

Shirley Popoff: With the American Gold Star Mothers and as a Gold Star Mother, I volunteer to help our veterans. I wanted to let Trooper Moretti know and to extend my gratitude to the troopers for helping me to help our veterans whom we owe because they are the ones who have paid the price of freedom.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to accept the Town Clerk, Tax Collector and Justices Annual Report, subject to the January 23, 2003 Audit Meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon the review and recommendation of Town Attorney Perley, to authorize the Supervisor to sign the Erie County Department of Senior Services 2003 Renewal Agreement for the Nutrition Program.

five (5) Ayes Carried

Received a request from the Patchin Fire Company for use of the Town Hall Community Room, kitchen, Lions Shelter, restroom facilities and town fields for July 16-21, 2003 for the "Boston Community Days".

Supervisor Eagan noted that these dates fall during the summer baseball playoffs and tournaments.

Highway Superintendent Kreitzbender confirmed that he spoke with Baseball President Tom Lanham regarding these dates.

Patchin Fire Chief Pluta noted that he will work with Tom Lanham.

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to grant the Patchin Fire Company use of the Town Hall Community Room, kitchen, Lions Shelter, restroom facilities and town fields for July 16-21, 2003 for the "Boston Community Days", subject to an agreement with the Baseball President. Alcoholic beverages will be served and a \$50 deposit was received.

five (5) Ayes      Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to grant the Boston Historical Society use of the Town Hall Community Room and kitchen on March 4, October 7, and December 2, 2003. No alcoholic beverages will be served and a \$50 deposit was received.

five (5) Ayes      Carried

A motion was made by Councilman Wiktor and seconded by Councilman Hawkins to grant St. John the Baptist Church use of the Lions Shelter and restroom facilities on June 14, 2003. Alcoholic beverages will be served and a \$50 deposit was received.

five (5) Ayes      Carried

Received a letter of resignation from Richard Hawkins as the Deputy Town Supervisor for 2002.

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to accept the resignation of Richard Hawkins as the Deputy Town Supervisor for 2002.

five (5) Ayes Carried

Received a request from Nutrition Site Coordinator Horschel to appoint Mary Thomas as Assistant Nutrition Coordinator to cover vacations and illness.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to appoint Mary Thomas as Assistant Nutrition Coordinator Substitute PT, term to expire 12/31/03.

five (5) Ayes Carried

Received the National Fuel 2003 Annual Blanket Highway Work Permit.

A motion was made by Councilman Mead and seconded by Councilman Hawkins on the recommendation of Town Attorney Perley, to extend the 2002 National Fuel Annual Blanket Highway Work Permit to the February 5, 2003 Town Board meeting.

five (5) Ayes Carried

Supervisor Eagan noted that the Town Board received the Salary Survey for the Salary Review Schedule on January 21, 2003.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to table the 2003 Salary Schedule.

five (5) Ayes Carried

Received a Planning Board recommendation of approval for the request of Mark and Kelly Palmer for an accessory apartment at 5457 South Feddick Road to accommodate the family whose main dwelling was destroyed by fire.

Code Enforcement Officer noted he has no correspondence from the applicant since January 1, 2003.

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

Town Attorney Perley confirmed the accessory apartment will become an attached garage when the home is reconstructed or if there is sufficient acreage it could be treated as a two family home.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to refer to Code Enforcement Officer Kramer a request from Mark and Kelly Palmer for an accessory apartment at 5457 South Feddick Road.

five (5) Ayes      Carried

#### SUPERVISOR REPORT

A) Supervisor's monthly report for December 2002 was received and is on file in the Clerk's Office.

Supervisor Eagan made the following Committee appointments:

AUDIT COMMITTEE:      Town Board Members

TRAFFIC SAFETY &      Chairman?Councilman Wiktor, Sgt. John McGee,

ROADWAYS:      David Carpenter, Hwy Supt. Kreitzbender

INSURANCE:      Chairman-Councilman Mead, Town Attorney Perley, Brian Baty, Supervisor Eagan

CREATIVE PLAYGRD: Chairman-Councilman Mead, Leo Jensen, Eric Pearlstein, Councilman Wiktor

SENIOR CITIZEN G1: President-Dolores Seufert, Caroline Burkard, Theresa Gresco, Pearl Emerling, Jack Seufert, Harold Rockwood, Art May, John Snyder, Tony Collett, Greg Hahn, Erma Kern

SENIOR CITIZEN G2: President-Betty Cunningham, Vice-President- Ginette Bellitiere, Treasurer- Marion Igel, Secretary-Joyce Carr, Membership-Jean Kleis, Refreshments-Nancy Aldridge, Carol Neiger, Sunshine-Betty Sneath, Chaplain- Angelo Billitiere

INVESTMENT ADVISORY: Chairman-Councilman Hawkins, Town Attorney Perley, Mark Flaherty, Supervisor Eagan, Designated Rep. of Boston, N Boston, Patchin Fire Companies, Town Board Members

SOLID WASTE/REFUSE: Chairman-Councilman Simmeth, Town Attorney Perley, Supervisor Eagan, Town Clerk Shenk

INSPECTION: Code Enforcement Officer Kramer, Deputy Code Enforcement Lisowski, Town Board Members

CABLE TV: Chairman-Councilman Wiktor, Councilman Simmeth, Supervisor Eagan, Mark Flowers, Town Attorney Perley

DRAINAGE: Chairman-Councilman Wiktor, Hwy. Supt. Kreitzbender, Mike Amordori, Joe Redman, Kevin Maxwell

ZONING REVIEW: Town Board, Town Planner Brox, Town Attorney Perley, Code Enforcement Officer Kramer, Kevin Maxwell, Ralph Gibson

SAFETY: Chairman-Town Clerk Shenk, Hwy, Supt. Kreitzbender, Code Enforcement Officer Kramer, Raymond Worth, Frank Yandura, James Pluta, Louise Manista, Sean & Jenny Crotty, Kenneth Manista, Peter Archibold, Sup. Eagan

REGULAR BOARD MEETING      TOWN HALL

JANUARY 22, 2003      7:30 P.M.

RECREATION:    Chairman-Paul Becker, Leigh Emerling, Kevin Maxwell, Gary Klump, Jim Reichert, Jerry Lindsey, Tom Lanham, Jody Metzger, June Telaak, Bonnie Clesse, Connie Miner

RECORDS:      Chairman-Town Clerk Shenk, Deputy Town Clerk Ellis, Supervisor Eagan, Leo Jensen

DEFR. COMPENSATION: Chairman-Deputy Town Clerk Ellis, Brian Baty, Councilman Wiktor, Supervisor Eagan

CHRISTMAS LIGHTING: James Carr, Councilman Wiktor, David & Edwin Gwynne, Douglas Hellman, Vern & Judy Heiler, Diane Helmbrecht, Donald Genzel, David Dix, James Koester, Benjamin White, Richard Lee, Robert Marean, Doris Pilato, Richard Poisson, Frederick Shear, Carole Bieler, Margaret Edington, Ronald Fluker, Florence Weiss, William Waite, Donald O'Bryant, Mary Anne Jehle, Joseph Santonocito, Val Bezilla, Norman Pfeffer, Richard Banko, Warren Fleckenstein, John Marchinda, Edward Cary, Herbert Klein, Lawrence Steward

#### TOWN BOARD LIAISONS

Councilman Hawkins    Fire Companies, Emergency Squad, Haz-Mat, Parks & Recreation, Fireman's Benefit Plan, Investment Advisory Committee

Councilman Wiktor      Traffic Safety & Highway, Cable TV, Christmas Lighting, Drainage

Councilman Mead      Senior Citizens, Nutrition Program, Chamber of Commerce, Creative Playground, Planning Board, Insurance

Councilman Simmeth    South Boston Park, Lighting, Solid Waste, Conservation Advisory Council

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to appoint Councilman Simmeth and Alt. Lynn Zachmann to the NEST Solid Waste Management Board.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to appoint Supervisor Eagan, Connie Miner, Michael Pohl, Councilman Mead, Councilman Hawkins, Kevin Maxwell, Richard Proy, and Town Attorney Perley to the Capital Improvement Committee.

five (5) Ayes Carried

Supervisor Eagan announced that the Water District #3 project is underway. A notice soon will be sent to WD#3 residents with a schedule for the project.

Supervisor Eagan reported that the beacon has been installed at the intersection of Boston Colden-Boston State Roads.

#### TOWN CLERK REPORT

Town Clerk Shenk announced he will begin active duty for the US Army on 1/24/03 and will leave Western NY on 1/27/03.

Supervisor Eagan wished Town Clerk Shenk the best and God protect on behalf of the Town Board and himself, and thanked him for serving us.

REGULAR BOARD MEETING TOWN HALL

JANUARY 22, 2003 7:30 P.M.

#### TOWN ATTORNEY REPORT

Town Attorney Perley reported that Borowicz vs. the Zoning Board of Appeals lawsuit is scheduled for January 24, 2003. ZBA Chairman Gibson's cooperation in executing the papers is appreciated.

Town Attorney Perley wished Town Clerk Shenk a safe tour.

#### COUNCILMAN REPORT

Councilman Wiktor reported that the Friday Night Recreation Program and the Ski Program are going well.

Councilman Wiktor complimented the Highway Superintendent for having a high-lift knock down the high banks near driveways and approaches in town.

Councilman Wiktor wished Town Clerk Shenk his sincere and best wishes and is looking forward to having him return.

Councilman Simmeth reported that NYS DOT will conduct a speed study on Chestnut Ridge Road as requested.

Councilman Simmeth received from Senator Volker, notification of consideration of a request for funds for the traffic light on Boston State, Boston Colden intersection.

Councilman Hawkins reported that he attended the ceremony for the presentation of the Eagle Scout Award to Kevin Gastle on Sunday January 19, 2003.

Councilman Hawkins noted that an article in the January 16th issue of the Sun stated that the elimination of the Deputy Town Supervisor position was voted in favor with a five to one vote. Councilman Hawkins requested a retraction stating the vote was three to two in favor. For the record he opposed eliminating the position of Deputy Supervisor because he held the position last year and feels the position is important.

#### CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer 2002 Annual Report was received and is on file in the Clerk's office.

#### DOG CONTROL OFFICERS REPORT

A) Dog Control Officer's monthly report for December 2002 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 9:15 p.m.

KAREN A. ELLIS, DEPUTY TOWN CLERK