

Town Board Minutes October 18, 2000

REGULAR BOARD MEETING TOWN HALL

OCTOBER 18, 2000 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.

Councilman Wiktor asked for a moment of silence in memory of the seventeen (17) men who lost their lives on the U.S.S. Cole.

Rev. Gary Burdick, Faith United Church of Christ, opened the meeting with a prayer.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adopt the minutes of the October 4, 2000 regular monthly meeting.

five (5) Carried 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 18, 2000, in the amount of \$91,700.52 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 #10A, dated October 18, 2000, in the amount of \$26,884.90 be paid.

five (5) Ayes Carried

Received and filed the Erie County Sheriff's Report for September 2000.

At 7:35 p.m. a Public Hearing was held for the purpose of hearing public comments on the use of Federal Community Development Block Grant Funds in the Town of Boston and 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.

Supervisor Rood read the legal notice.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to open the Public Hearing

at 7:36 p.m.

five (5) Ayes Carried

Supervisor Rood: Every year we
conduct this Hearing for CDBG funds
targeted for low and moderate
income persons and also senior
citizens and the handicapped.

Unfortunately we do not fall into
a lot of the funding that is
necessary but in the past we have

used this funding for the Town Hall community room that is used by everyone in the community and
also for the senior citizens and the Nutrition Program. We have had handicap accessibility given to
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PUBLIC HEARING (CONT.):

Supervisor Rood (cont.): all the rooms in the Town Hall and the other Town facilities. This year as usual
we will entertain any ideas that the public has that we could put in the form of an application for these
funds. The funds are brought to us through HUD and Erie County oversees the program.

Gary Burdick, 6641 Holiday Drive: I am speaking on behalf of the Boston Historical Society and our need
for some work that needs to be done in order to make the Historical Society Museum much more
accessible for those who are handicapped and elderly. We had a study done by Flint & Battaglia
Architects and they certainly found the building deficient in this area. We don't meet some of the codes
and certainly if you have been to the Historical building lately you know that as far as exits and
entrances, there is a great need in this area. I would like the Board to seriously consider the proposal by

the Boston Historical Society for the use of Community Development funds for this purpose to bring the building up to code and make it more accessible for those in need.

Jackie Briggs, 8229 Boston State Road: I just want to bring up the point that you have a lot of teenage kids growing up in this area and there is nothing for them to do. If there were a recreation center for them maybe they wouldn't be on the streets so much.

Supervisor Rood: Like I said, the guidelines are quite stringent for the CDBG. We have asked about those sort of things and that would not be covered under this grant.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to close the Public Hearing at 7:39 p.m.

five (5) Ayes Carried

At 7:40 p.m. a Public Hearing was held for the purpose of hearing public comments on a Special Use Permit for a Temporary Trailer at 7254 Boston State Road requested by Charlap's Dairy and Ice Cream.

Supervisor Rood read a letter from Roger P. Palczewski, President of Charlap's Dairy, dated August 11, 2000, to Code Enforcement Officer Kramer, requesting use of a temporary

trailer until October 31, 2000.

Supervisor Rood read the legal notice and noted that twenty seven (27) neighboring property owners were notified by mail of the Public Hearing with copies included of the legal notice, an Assessor's map outlining the property and the letter of intent.

A motion was made by Councilman Tills and seconded by Councilman Wiktor to open the Public Hearing at 7:42 p.m.

five (5) Ayes Carried

There were no public comments.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to close the Public Hearing at 7:43 p.m.

five (5) Ayes Carried

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Supervisor Rood announced that due to a publishing error, the Public Hearing scheduled for 7:45 p.m. on the Rice Road Rezoning, must, by law, begin at 8:45 p.m. as published. Upon the advice of Town Attorney Perley, comments relative to the Public Hearing may be heard prior to 8:45 p.m. and

incorporated into the minutes by a motion. Comments will be heard after completion of the regular agenda.

REQUESTS FROM THE FLOOR

Andy Mead, 6780 Hillcroft Drive: This is directed to Councilman Simmeth, in regards to the speed limit on Boston State Road before Omphalius Road, where it switches from 55 mph to 40 mph, there is no sign indicating a change in speed limit. Would it be possible to install a 45 mph sign past Omphalius Road so that cars would have a chance to slow down?

Councilman Simmeth: That section of the highway will be posted 45 mph as approved by NYS and Erie County. Where it is now posted 55 mph, it will become 45 mph and where it is now posted 40 mph, it will remain 40 mph. In the meantime I will try and get a "speed zone ahead" sign posted.

Richard Kinsey, 8229 Boston State Road: We were here last time about the problem we are having at Sprague's Trailer Park. We asked the Fire Chief and the Building Inspector to look at our neighbors buildings that are next to our trailer and is a fire hazard. We are wondering if anything has been done about it?

Dawn Trisha, 8229 Boston State Road: He built the land right up to our trailer where we can't even get through and the Fire

Chief said it was a fire hazard. The buildings were put up illegally without building permits.

Code Enforcement Officer Kramer: I tried twice to talk to Mr. Boyd and he hasn't returned my calls. I have a lengthy list of items to go over with Mr. Boyd. He told me that he is going to request a meeting with the Town Board because he wants to expand the lots.

Town Attorney Perley commented that Mr. Boyd's Attorney has advised him that he will attempt to have a meeting with the Town Board. Town Attorney Perley will check with the Town Board and schedule a meeting.

Jackie Briggs, 8229 Boston State Road: I live in Sprague's Trailer Park and I sold my trailer and will be moving within the next week. I was told by the Town that my yard was unhealthy because of the mold growing and that something would be done about my yard. I brought a picture of the mold and Mr. Boyd said he fixed my yard and he didn't do anything. I hope something can be done.

Brian Long, 6585 Colonial Drive: Regarding the proposed Nature Trail at Eighteen Mile Creek, there is also a proposed parking lot and I would formally like to request that I be notified when

that comes up for discussion. Most of the neighbors in the area don't like the idea of a parking lot.

Robert Vaughan, 7418 Heinrich Road: I do not know if this is the time to bring up the contract being negotiated between the Highway Department and the Town Board.

Supervisor Rood: It is not for public discussions at this time because we are in negotiations with the Union.

Robert Vaughan: I believe we have a Highway Department that does very well for our Town and the Board refuses to give them a contract.

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A motion was made by Councilman Tills and seconded by Councilman Simmeth to approve the following corrections as follows:

Abstract #9 September 6, 2000

V #598 Concerts A7270.4 \$300.00

From General Fund to Previously Paid

General Fund Total

From \$12,121.24 to \$11,821.24

Previously Paid

From \$67,657.00 to \$67,957.00

No Change to Total Abstract

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to approve the following corrections as follows:

Abstract #9A September 20, 2000

V#648 Youth Prog A7310.4

From \$ 50.00 to \$ 64.88

General Fund Total

From \$ 14,259.83 to \$ 14,274.71

Total Abstract

From \$199,294.61 to \$199,309.49

five (5) Ayes Carried

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

Abstract #10 October 4, 2000

V#664 Supervisor A1220.4

From \$ 34.70 to \$ 40.70

V#675 Buildings A1620.4

From \$ 136.21 to \$ 159.55

V#679 Traffic Control A3310.4

From \$100.00 to \$ 100.80

General Fund Total From \$12,007.81 to \$12,037.95

Total Abstract From \$96,577.88 to \$96,608.02

five (5) Ayes Carried

On September 29, 2000 at 10:00 a.m. the following bids were received, opened and read aloud for the Air Conditioning Improvements to the Boston Town Hall:

NAME	BB	NC	AMOUNT
Tri-R Cooling & Heating	X	X	\$102,790
R.P. Mechanical	X	X	\$107,701
North East Mechanical	X	X	\$113,500

A recommendation was received from M/E Engineering to proceed with the project as soon as the budget will allow, noting that any one of the three (3) bidding contractors could do an acceptable job for the town.

A motion was made by Supervisor Rood and seconded by Councilman Tills to table a decision on bids received September 29, 2000 for the Air Conditioning Improvements to the Boston Town Hall.

five (5) Ayes Carried

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Supervisor Rood read a recommendation of approval from the Planning Board on the Site Plan Review for the Connecticut Housing Corp. (Peoples Inc.), contingent on drainage being elevated on the northhwest corner of the property with water runoff in a southerly direction to the road and outdoor lighting comparable to residential outdoor lighting.

Supervisor Rood read a letter of approval on the Site Plan Review for the Connecticut Housing Corp. (Peoples Inc.) from Code Enforcement Officer Kramer, noting agreement with the Town Engineer that concerns expressed by the Planning Board have been satisfied.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of the Planning Board, Town Engineer and Code Enforcement Officer, to approve the site plan submitted by the Connecticut Housing Corporation (People Inc.) to construct an Individual Residential Alternative, (IRA), for developmentally disabled adults on Mill Street.

five (5) Ayes Carried

SUPERVISOR REPORT

A) Supervisor Monthly Financial Reports for September 2000 received and on file in the Town Clerk's Office.

TOWN CLERK REPORT

A motion was made by Councilman Tills and seconded by Councilman Wiktor to grant the Boston Youth Soccer League permission to use the Lions Shelter on October 22nd and 29th, 2000 for the Junior and Senior Banquets.

five (5) Ayes Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the town wide brush pick-up is ongoing and will continue until October 31, 2000.

Highway Superintendent Kreitzbender announced that the two (2) new five-ton trucks were received today and are ready to go.

Highway Superintendent Kreitzbender reported that the lights at the South Boston Park will be repaired tomorrow.

Highway Superintendent Kreitzbender reported that the paving problem on Heinrich Road was rectified under a warranty contract with Suit-Kote Oil.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he has received a proposed contract for the transfer of Sewer District #2 to Erie County and will present the contract to the Town Board for consideration at the second Town Board Meeting in November.

COUNCILMAN REPORT

Councilman Mead reported that he attended a Boston Valley School PTA meeting and answered concerns regarding the Creative Playground. New equipment and mulch will be installed soon.

Councilman Wiktor reported that he will inform the Town Engineer that Hamburg Fire Control has requested to be informed of new streets and hydrants.

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COUNCILMAN REPORT (CONT.):

Councilman Wiktor reported that on September 9, 2000 the Village of Blasdell Sewage Treatment Plant overflowed, and for the fourth time, the adjacent Southtowns HAZMAT buildings were flooded. One building suffered structural damage and the Southtowns Group is determining whether to maintain and remain at the site or move. Councilman Wiktor forwarded a request from the Southtowns HAZMAT Group to the three (3) fire companies in Boston to use their facilities for HAZMAT meetings or training. The HAZMAT Group is presently ready to go and fully operable.

Councilman Simmeth reported that the Town of Boston Conservation Advisory Council and the Boston Hill Nursery will hold their first annual photo contest. Residents may send in a photo of their favorite outside spot, landscaped area or scenic shot of Boston. Deadline is December 1s. First prize is a \$50.00

gift certificate to the Boston Hill Nursery. \$5.00 gift certificates will be given for entering. Photos will be displayed in the Boston Town Hall.

Councilman Tills reported that the Boston Hillfest Committee is planning the 2001 Hillfest and anyone interested in becoming involved may call or write to the Town Hall. The Hillfest Committee meets on the third Tuesday of each month and is eager for more community participation.

Supervisor Rood announced that the regular Town Board meeting is over and comments pertaining to the Rice Road Rezoning application will be entertained at this time.

Town Attorney Perley: The Public Hearing on the Rice Road Rezoning application will convene at 8:45 p.m. You have every right to speak once the Public Hearing is convened at 8:45 p.m. The Town Board has agreed to entertain comments from people who wish to speak now before the Public Hearing, and then by motion, incorporate comments into the record of the Public Hearing. I want to stress to you that if you make a comment before the Public Hearing you are doing so voluntarily. If you want to wait until the Public Hearing you have every right to. If Mr. Eckis wishes to comment before the Public Hearing he may do so.

Audience Member: Do the comments made before 8:45 p.m. carry any legal weight?

Town Attorney Perley: Comments that are incorporated into the public record would be filed with the court as part of the public record in the event of a lawsuit.

Victor Laurie, Springville Boston Road: Dear Boston Town Board,
My Name is Victor Laurie and I live in the Boston Hills. I am eight years old. My Grandpa passed on to his garden paradise before I was born. My mom tells me many things about my grandpa. She tells me of how he loved this land in the Boston Hills and how hard he worked and farmed on it. My grandpa, much like Henry David Thoreau, liked to get his feet muddy. He loved this land, the sounds, the smells and most of all what he saw, the flowers, the trees, and most of all the wonderful wild life. I often dream about my grandpa. I dream of all the things that I have learned to love because of what he has left for me. Please don't take this land away from me or my grandpa. I want to live and enjoy this land for the rest of my life and I would like to preserve it for everyone and forever.

John Knapic, 6314 Pfarner Road: A couple of years ago when we built a new home, the town more or less told us what kind of home we had to build. Now you are going to rezone this place up on the hill. We have a beautiful spot up here on West Tillen Road and now you are going to bring this garbage in and set it on our back door. I'd like to have an answer to that.

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Robert Vaughan: Why not let the people speak now?

Supervisor Rood: I have offered them that opportunity.

Syed Gilani, 6445 West Tillen Road: We are not close to the sight that is under discussion right now but we still feel that the beauty will be lost, the beauty which attracted us to this place from the general Buffalo area. If that is gone, lots of us will be heartsick. I am sure I am voicing the opinion of most of the people here because I have been talking to some of them outside. I wish that something could be done concrete so that this thing could be circumvented.

Michael Brown, 5589 South Feddick Road: We vote and I don't think we want it. That is all I have to say.

Edward Bellittiere, 8406 Zimmerman Road: What I can't understand is that this rezoning, what is that in comparison to the master plan that we have? Is this considered spot zoning? I thought we weren't going to have any more of this spot zoning and more or less stay with our master plan that we spent money on preparing it and spending many hours on it. I would like to know what the Planning Board was even thinking of in submitting it. There is nothing for the Planning Board to consider. They didn't understand what was going to be put in there. They just want a piece of land rezoned and then they can do as they damn well please. That doesn't seem to jive with this Town Board or the way this town has been operating. Why this change? Now this spot zoning is going to spoil our town. We have an eighteen wheeler station on Feddick Road that also had a garage built that is servicing eighteen wheelers in a residential area. People around them have their homes up for sale. This isn't what we want. I don't think the Planning Board should have submitted it to this Town Board for a vote. This just doesn't make any sense.

Kenneth Gliwa, 6415 West Tillen Road: This thing comes up again. We fought the amphitheater, we fought the pit. I think we ought to put some responsibility back on the Planning Board and the Town for these portrayals of what they want to do all the time. I look down Transit Road when I come from work and I look at all these houses that people built with probably their last dime and then they commercialized it. What are they getting for their house? If we are going to start doing these things why don't we put responsibility on to the Planning Board and Town Council? If some zoning changes after everybody spent their hard-earned money on a house, let's make them make up the difference in the depreciation cost. No matter if they leave office or not. Let's put a vote to it. Put it on the ballot this fall. We will see how these things stop once and for all. We have a water problem in this area especially on this hill. Has anybody addressed that? They addressed that when they were trying to put that pit in the road. I think there is a lot more to look at then possibly campaign contributions that might be sliding someplace.

Frederick Klemashevich, 8617 Zimmerman Road: I am adamantly opposed to this. In fact when I built up there, there was a building moratorium put on so they could rezone it all and get it all set. They did that

and now you want to change it. I have to agree with what he said; there must be some sort of kickback coming to even consider it.

Supervisor Rood: I would point out that this is a public comment session and we are required by law to hear all public comments and we are also required by law to consider anything that is brought before us because after all we are living in America. I would point that out. This Board is not going one way or another at this point in time. We are hear to listen to everyone?s public comment.

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Councilman Tills: And to consider what came from the Planning Board.

Town Attorney Perley: The Town Board and the Planning Board have a constitutional obligation to process this application. The fact that it is here doesn?t indicate any endorsement by the Town Board of any portion of the application.

Jackie Titbuel, 10251 Springville-Boston Road: My husband and I moved here about three years ago and one of the things that brought us here was the pristine beauty. When you drive up everything so original and so fresh and it is so beautiful and once it is gone you can never ever bring it back. As that goes away you are going to have traffic and it is going to be more difficult to even enter the 219. We are going to have more pollution. Our animals will be lost. I look out my yard right now and I see turkeys and I see deer. My son is two and we are on our way with our second and I want them to experience this. I never experienced that when I was a child. I look at Clarence and I think, what happened out in Clarence? They probably started where forty (40) acres were sold and they were going to build up an area where they were going to have a nice gas station and everything looked so nice because it was close and those people go on a voting Board one day. Those people who owned those big companies and they started voting against us little people and eventually new buildings came in and before you know it their taxes are up to over five thousand dollars and you have to wait five minutes to go from one street to another, stop sign after another. There is a tree maybe once every few blocks. Everything is lost, nature is lost and it is just a shame. Another concern I have is hunting. As we slowly take away everybody?s little piece of the land, what are the hunters going to do? My husband is a hunter and I am sure many people here are hunters and people, yuppies, are going to be moving in from out of the area that aren?t going to want any hunting or shooting and I strongly oppose what you want to do.

Paul Ziarnowski, 9137 Back Creek Road: While we are waiting for the Public Hearing I don't know how many people know the background of the development of the West Hill so we are going to go back a little bit. A few years ago after the purchase of the West Hill properties by the Boston Hills LLC, Mr. Gary Eckis, the developer for LLC, (LLC is a Limited Liability Corporation), presented a plan of residential development to be done in phases with no mention at all of any future commercial proposals. Either was no mention made of his recent acknowledgement in his proposal to the Town Board that residential growth creates more expense and services than revenue collected in taxes. This fact did not seem to be a concern as it was full steam ahead residential development a few years back. Also his recent revaluation that families seeking residential sites are overwhelmingly unwilling to locate adjacent to the 219 expressway was obviously not a concern when he and his LLC partners bought the parcel. Now the property in question according to Mr. Eckis is not suitable for residential. Nothing has changed with the property since he purchased it. Nothing has changed at all and one has to wonder if phase one phase two that was proposed two years ago was actually phase one residential, phase two commercial from the start. Benefits to our area as Mr. Eckis collectively groups us appears to be benefits to Mr. Eckis, the LLC, and possibly to the Canadians driving home from Ellicottville. Our area is in fact not Mr. Eckis's area because he doesn't even live in the Town of Boston, the last I heard. His notion that the property in question is visibly obscured from virtually all directions except the expressway is an out and out misrepresentation. In fact the most obscure view is probably from the expressway. Ask Mr. and Mrs. LaMonte who just purchased and built a beautiful home on the adjacent parcel in question. Building in a residential agricultural zoning area only to find

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Paul Ziarnowski (Cont.): the rules might be changed has to be disheartening at best. It would be interesting to see the reaction of some of the Town Planning Board members or some of the Town Board members if this had a come close to their homes. In regards to Mr. Eckis's concerns to keep our high school and college graduates from leaving the area, this one brought a tear to my eye. It is ludicrous to think that rezoning a commercial piece of property in residential agricultural area is an enticement that will keep our kids at home. Lastly, drainage down the gullies of the West Hill and Back Creek has been a constant concern of landowners there for years. When a project on the hill occurs, the intensity and volume of water in the valley is always affected. I am told litigation and settlement for drainage occurred on Back Creek property when the expressway was built. I can't imagine what commercial development on the flats will do to water runoff there again. We will certainly be told by the Town Board that satisfactorily drainage problems will be addressed but the Town can come down to Back Creek and document the drainage concerns before the fact. I am sure it will make our job of standing in line for remediation monies much easier after the fact. Lastly, the secrecy of the Boston Hills LLC partners hints rightly or wrongly of impropriety, back door deals or conflicts of interest. Why the secrecy? Although perfectly legally justified if there is no conflict. It is obvious without saying any more that my family is strongly against this rezoning.

David Mariniello, 6610 Rice Road: I am totally aware of the runoff. I get it every time it rains. I won't go into detail but it happens. Back in 1986 the Boston coalition against the amphitheater was formed. I don't know if anyone here remembers it but they wanted to build an outdoor amphitheater, and this is a letter by the collation against the amphitheater drafted by William Magavern who lived in Boston, I believe he still does but I'm not sure. The Environmental Conservation Department asked these following questions and I will give the answer to what they concluded after they reviewed it:

- 1) Will there be an effect as a result of physical change to the site? The answer was ?yes?.
- 2) Will the project affect views, vistas or the visual character of the neighborhood or community? The answer was ?yes?.
- 3) Will there be an affect on open space, recreation and transportation? ?Yes?.
- 4) Will there be objectionable noise as a result of this project? ?Yes?.
- 5) Will the project affect public health and safety? ?yes?.
- 6) Will the project affect the character of the existing community or neighborhood? ?Yes?.
- 7) Is there Public controversy concerning the project? ?Yes?.

Without reading the whole thing I will just take a few snippets from it. The answers to the questions posed by the NY Environmental Assessment Form for an amphitheater in 1986 would apply to rezoning in the use for the site today for a strip plaza, roller rink, theaters, gasoline stations, dance halls, truck stops, banking establishments or similar commercial use. The Boston Hills evoke an image of dramatic natural beauty, changing with the seasons but preserved in character. The Town of Boston has the unique ability to preserve this natural beauty and not to facilitate the desecration of the Boston Hills with random infestations of urban sprawl and unnecessary retail development. Surly, the Town Board can learn from the mistakes of the Towns of Amherst, West Seneca and Lancaster, where excessive development is causing extreme distress to the residents. Surly the existing business owners in the Boston

valley do not need new competition which will mainly spread local

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David Mariniello (cont.): consumer spending among more locations within the Town. The Town of Boston has in the past been spared urban sprawl development mainly because of its rolling topography

making tract and commercial development more costly than flat land development. We urge the Town Board to have at this time the wisdom to realize that the beauty and quality of life available within the Township will suffer if this rezoning is enacted. Rezoning may not be properly considered without the petitioner presenting the specific uses and developments proposed for the site, but regardless of specifics, we believe the local residents most affected by the desecration which would follow are predominantly unalterably opposed to the rezoning. The lure of further development to increase the Town tax base creates a continuing spiral of increased municipal services and increased school and town taxes to support the increase in development and population growth. If the Rice Road area residents were demanding commercial development and retail stores at this site of extraordinary beauty, the Town would have reason to consider the proposed rezoning. In the face of strong unified opposition including our family and many other concerned residents, however, the Board in its wisdom should refuse to consider rezoning the site to a commercial classification. This was 1986. It happened then. This is like deja vu.

Joel Henning, 6360 Pfarner Road: One thing I would like to ask is that you see all the people sitting here and other than tax revenue, how is this going to benefit our community? The other aspect, you see all these people sitting here and apparently you have pre-approved this and it has got to be voted again if I understand it. I think you are a little outnumbered with all these people standing here. I understand it has already been talked about?

Supervisor Rood: The Planning Board received the application and they made recommendation to the Town Board for approval contingent on a whole list of items. This Board has made no decision whatsoever. This is a Public Hearing where we hear people for and against the project. There has been no vote whatsoever by this Board.

Joel Henning: Ok. The other aspect I would like to bring up is that I feel that, especially being so close to this project, it will depreciate the value of my property and my house and I wonder if my taxes will go down because of that?

Benjamin White, 9031 Back Creek Road: In 1988 I bought a piece of ground that belonged to Glenn Trevett, my father-in-law. He is dead now. I built a house about fifty feet from a little brook that went down through there that you could just walk right over in to it. I dare you to walk into it right now. It is about six to eight feet deep. I am against building anything up there in that hill that is going to send more water down my way. I am getting too old to do it and something has to be done with that ditch the way it is washed out. My new neighbor, Mr. Courtney, I guess he is in Florida now, if he was over here, he is on the other side and it is taking his lawn too. All you have to do is come out and look at my

place and his to see what more water is going to do if they blacktop more of the top of that hill over. I am seventy-five years old and getting a little too old now to throw rocks and to build it back up. So my vote would be against doing anything that is going to cover any more ground up there. Thank you.

James Carninale, 9044 Rockwood Road: Me and my family moved up here almost two years in November. The reason we came up is like a lot of people are stating, the beauty of the town. Even though it is a short time that we have been here, we feel very much a part of the town. A lot of questions come to mind like everybody has. Who benefits from this? You have a developer that owns a
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James Carninale (cont.): piece of property, maybe he made a bad investment. I am sure he has made his money off it or whatever else he has around it. I am not fully aware of all of it but we have all made bad decisions and we have to live by them. As far as gas stations, news stores, roller rinks, where is the population here to support that? It's not. Ten minutes in any direction here in Hamburg, Orchard Park, Springville, five minutes down the hill we have our local stores which are very suitable and keeps our local people in business and it is just that you give an inch and they take a yard. It will open up a can of worms and the preverbal snowball is going to roll down the hill and we all know what else rolls down the hill. We don't want to see it, not at all.

Robert Vaughan: I have to agree with these people. They are up in the hills and it is beautiful out here. I have been out here since November of 1979. I moved out here for the country atmosphere. There should be no business at all in the hills here in Boston. If you want to have a business do it along, as some people call it, old 219, 391 or Boston State Road. Not in the hills but on the main highway. We do need the business out here to lower taxes and everything else. We have the highest property taxes around but not in the hills. These people shouldn't be disturbed in their pristine settings. Nothing on the hills. Only down along the main road through the valley.

Stephen Zachmann, 6276 Pfarner Road: I don't think there is any need to belabor all the issues that have been brought up as far as the beauty, the conservation, the runoff and etc. I would like to ask one question of all these good people. Does anyone here promote this rezoning? I think the people of Boston have spoken to you and given you their mandate and you do with that what you will.

Joseph Ballachino, 9100 Back Creek Road: I would like to say that I own property just below this property that is proposed. In the past when they built the expressway there was a feud that went on between the union and non-union workers and they shot out a tanker truck up there and the tar emulsion came down the creek and the EPA came out and went through the creek and cleaned up whatever they could. We still have tar in the creek from back then and I don't even remember the year, it was the early eighties or late seventies. I just want to let the Town know that we are affected directly by what is put up on the hill behind us. Every time any kind of alteration is made up there, the last time they did some fill work, and I had my neighbors, I didn't get any flooding but the creek along side of me was just full of mud. My neighbors got mud in their houses and driveways. We are directly affected by what goes on up there and I am totally against this.

Sylvia Wisher, 6345 West Tillen Road: We have all had a chance to be here before when the amphitheater was proposed and when the road was widened and redeveloped through a farmer's field. We let our elected officials know then, very loud and very clear that we were opposed to any commercial development up there. I think we are all still very opposed to it. We have to sell what our town has to offer which is the wooded hills and support what we have a lot of which is self employed residents, and small businesses. If we are going to do any development at all, I have to ask you to keep it down in the valley on 391 not up on the hill.

Steven Winnicki, 6264 Rice Road: I live just down the hill from this proposed rezoning site. I am not the greatest eloquent speaker or anything like that but I wrote down a few of my thoughts and I want you to know how I feel. By the way this is the first Town Board meeting I have ever been to but I feel this is really important. I am a Boston resident and also a taxpayer

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Steven Winnicki (cont.): and a registered voter. I have also voted for many of you on the Town Board. When I heard about this proposal to rezone this parcel of land I was outraged. This area is so beautiful it is a joy to live here. After a hard days work and sometimes a very aggravating days work, by the time I pull in my driveway I feel good again. To sit in the yard and listen to the birds in the day and the insects at night is so relaxing. To go in the yard and count the stars is something you can't do in the city. It is so nice in Boston we don't even care if we take a vacation. That is the reason people move out here to get away from the rat race, commercialization and anything else that represents the city. The owner of this property allowed the state to dump one million yards of fill on his site and ruin it for most other uses. Now the Planning Board wants to rezone this property because they can't think of any other uses other than commercial. So now we as residents are supposed to agree with this terrible decision. I thought to

myself how will I benefit from this and I realized that I won't. How will the Town benefit? A few more tax dollars which won't change any of our lives in the least. The person who will benefit is the developer. He will make his tidy profit and go on to the next job. The problem is that we as residents will be stuck with this poor decision as long as we live here. We will have to live with the noise, smell the trucks, our property values will go down and we will just have to look at something that just shouldn't be there. Remember you on the Town Board are working for all of us. You are not working for the developer. I ask you not to do this to the good taxpaying residents of Boston.

Thomas Gray, 6088 West Tillen Road: We don't want it. We don't need a minute to listen to anybody else. We just don't want it up there.

At 8:45 p.m. a Public Hearing was held for the purpose of hearing public comments on Proposed Local Law #4 of the Year 2000, entitled a Local Law to Rezone Approximately 44.9 Acres of Land from R-A (Residential Agricultural) to C-2 (General Commercial District) (Subject to Restrictions), located on the northern side of Rice Hill Road east of U.S. Route 219.

Supervisor Rood read the legal notice and noted that the "Commercial Zoning Application Pending" sign was placed on the property and forty-six (46) neighboring property owners were notified of the Public Hearing by mail with copies included of the legal notice, an Assessor's map outlining the property, the letter of intent and a letter amending the application.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to open the Public Hearing at 8:45 p.m.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman

Wiktor to incorporate all the comments made prior to 8:45 p.m. pertaining to the Rice Road Rezoning Application into the Public Hearing record.

five (5) Ayes Carried

Supervisor Rood noted that a letter opposing the rezoning was received from Magavern, Magavern & Grimm, L.L.P. and was previously read into the record by a resident.

Supervisor Rood read a letter of opposition and a request that Mr. Brox, Planning Board Consultant, be present to answer specific questions, from residents, James and Donna Gassel, Michael Amadori, and Paul and Irene Zarnowski.

Supervisor Rood noted that Mr. Brox is in attendance.

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PUBLIC HEARING (CONT.):

Supervisor Rood read a

Planning Board recommen-

dation of approval for

the Rezoning of the

Northeast Quadrant at

the Rice Road Inter-

change of the 219 Express-
way. A list of uses
deemed appropriate for the
area was attached.

Gary Eckis, Manager Boston
Hill LLC: My name is Gary
Eckis, 7702 Davis Road,
Colden. We purchased origin-
ally a 350-acre tract from
the late Mr. Bonerb on Back
Creek Road, probably about
five (5) years ago.

Audience Member: Can Mr.
Eckis say who are the
Partners in LLC?

Gary Eckis: Yes, five
Friends of mine.

Audience Member: Identify
them by name.

Gary Eckis: Jacob Schneider,

myself, Richard Witmer, John

Stephens and that's it. There

are five of us so there is one

more. Nobody from the Town of

Boston. We are meeting tonight because I have asked both the

Planning Board and the Town Board to consider rezoning about

forty-four (44) acres adjacent to the 219 from its current

residential R-A, (Residential Agriculture) to commercial. If I could just give a brief overview. If anyone is familiar with the tract, there is a total of 350 acres. About 175 of that is in large home sites, five to twelve acres. They are located on what is now Hillcroft Road or what some of the tobogganers my father remembers, called Old Polish Hill Road. That leaves 175 acres remaining. Of that, 100 is all wooded and there is about 75 acres located along the whole stretch of the 219 at the northbound on-ramp of the expressway. I guess the first issue that both Boards are going to want to discuss and what people are here to discuss is really the merits of considering it at all. Business use at an exit next to the thruway verses the current uses allowed under residential agriculture. It is a big part of what everyone is talking about tonight. If I can try to be objective I believe it's not uncommon that it is sensible for planners, towns, municipalities to consider areas that they have along main thru-ways or in this case an expressway for a place to welcome certain businesses that they would deem desirable. The expressway itself is a very valuable asset for all of us in the southtowns now and forever and along it, as in lots of towns, are the right place to consider locating businesses in areas where it is not suitable for farming or might not be desirable for residential use. The physical characteristics of the site, if anyone has been there they are probably aware of it, is the large flat, treeless, hard meadow there, right at the exit on the valley side adjacent to the on-ramp heading toward Buffalo. The reason it is flat, it was mentioned earlier, is that when they did construct the 219 they picked various sites up and down the expressway to place large amounts of hard rock fill and this is

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PUBLIC HEARING (CONT.):

Gary Eckis (cont.): one of them. Another issue, and I am sure the Board has expressed concerns about and probably other people here as well, is that I requested a commercial zoning without a specific plan to even consider. The reason for that is two fold. First of all there has not been yet any company to step forward to say, "they we would like to be there and this is our intentions", in which case it would automatically of course have to go through a lengthy site plan review. The other reason that I've asked

is that it is very difficult to effectively to promote any kind of use, non-residential or agriculture, with a site where there is not some predesignation that, "hey, it's ok for some business to be here." When companies do look for sites in certain areas in certain towns, they will either, through the computer or through the mass mailings of the towns themselves, they will come and say, "hey, do you have any zoned land that might be suitable for a use such as this." So I am trying to put the best foot forward to say, "yes, we have a decent site for certain uses". Basically I am looking for an opportunity to promote the site that has been designated appropriate for business knowing that any business that were to locate there has quite a lengthy site plan, environmental, many issues that you mentioned tonight, to have to get through. There were several months spent with the Planning Board and some of these same issues were talked about at length. The question again was how do we, in the assumption that yes, it is reasonable to consider locating certain businesses at an exit, so the question was how do you consider rezoning the site without a specific plan and that is what really led to the Planning Board going through the commercial zoning, item by item and deleting quite a few. I think Lisa just read the ones that remained. There is as many probably that they deleted, that everyone agreed that that is not something that we would want there. So here we are tonight. The Planning Board has made a recommendation which is really all it is. It is up to the Town Board. Then there is a Public Hearing. The Board will consider comments and I am sure it will take all that into consideration. I do appreciate, believe it or not, everything that people are saying and I do understand too that with zoning issues, there will always be some people totally in favor of commerce, economic activity, prosperity, things of that nature. There will be some people that are sort of in favor but would want to know what it is and what considerations are being made to address their concerns and there are others who just wouldn't want any change for any reason other than it's current agricultural use. I am sympathetic to all of that. I will conclude that yes I do believe that it is appropriate for certain businesses to have advantages of being at an exit. I think it would be the place that would be most minimal for traffic because of the thruway and that it keeps things away from areas where people don't want to live. It is very difficult to perceive a lot of residential right up against the 219. So I will continue to work with both Boards. Any southtown interested group that, and there are regional groups together trying to promote certain areas of the southtowns, and I believe that the 219 is a very important one of them, and anybody willing to help me to take the right step forward. Thanks and sorry for taking up all of your time.

Supervisor Rood read a letter from Sara A. Elliott, 5899 Shero Road opposed to the rezoning of Rice Hill Road.

James Gastle, 6573 Rice Hill Road: I waited until I heard Mr. Eckis. A few things he said disturbed me. I know when he originally requested rezoning from the Planning Board, according to his letter of which I have a copy of, he requested a M-1 rezoning which I believe that is manufacturing which would even allow anything. Is that correct Mr. Perley?

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PUBLIC HEARING (CONT.):

Town Attorney Perley: Not really. That M-1 zoning is really the industrial park type zoning.

James Gastle: Would that be a broader classification than C-2?

Town Attorney Perley: Not really.

James Gastle: Could you develop C-2 in an M-1?

Town Attorney Perley: No. C-2 uses don't roll into a M-1 use.

James Gastle: I guess I would ask, your Planning Board isn't here, but why they didn't allow the M-1. Did they talk him into a C-2? I am not sure.

Town Attorney Perley: You can do certain things in M-1 and many of the things you can do in M-1 you can do in C-2. The M-1 classification is isolated, most of the other zoning classifications incorporate uses from other sections and this does to a very limited degree so that in talking, as I recall because I was at the Planning Board, in talking to Mr. Eckis about what his thoughts were, it appeared that what he was thinking of was something other than what he had asked for.

James Gastle: I would also like to say that I believe that the road up there, this goes back to Lisa and I, when phase one of the road was being constructed, I was concerned that the sub standard construction methods used, I talked with Mr. Perley at a Public Hearing and was in front of the Planning Board about it, at that time, obviously it went forward, Mr. Eckis as I understand also tried to build an additional road off to the right and Lisa I believe you had to stop him from doing that. That lets me understand the man

and what he thinks about our town. Just to build a road that he couldn't read his own plan that he decided to build an additional road off it so that you had to have the Highway Superintendent go up and stop him. So I would just like to say that my family and I are dead set against it and I wish I could believe Mr. Eckis but I don't. I would also like to add that I have a petition that 108 people have signed that I'd like to submit.

James Gastle presented a petition to the Town Board with 108 signatures opposed to the Rice Road rezoning application.

Syed Gilani: My wife and I live on West Tillen Road. Ok. My background is eastern with a philosophical approach here. I have not consulted my wife or anybody here. I have never known Mr. Eckis, never even seen him but I think the great happiness for both parties could be obtained by having a compromise. My compromise is this way. Of course this is open to all admissions and deletions. I feel if Mr. Eckis is so keen in making money, which is his natural desire, we really cannot criticize that, and he really wants to sell that part, why can't we have it this way? He could beautify that whole area by planting wonderful trees around the road and subdivide that whole area into five acres minimum to ten acre lots. And then because he is worried about noise on that road that nobody could buy or live there, people will come and live there. Beautify. We want beautification of that whole area. We don't want any interference with Mother Nature there. All of us want that. So why can't Mr. Eckis make money? Let him make money, after all he speculated on this large piece of land, but we don't want to be bothered with the noise of business activity, trucks and what have you. So we can live peacefully and co-exist. This is my idea.

Jennifer Trim, 5223 Ravine Drive: I am here really for my participation in government class. I came here tonight not

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PUBLIC HEARING (CONT.):

Jennifer Trim (cont.): really knowing and understanding what was going on. Now after hearing these people talk I understand what is going on. I waited until Mr. Eckis spoke to see his side of it and to me it sounds like he wants to bring people into Boston and attract people, make some money also and a lot of people here are against building commercial things and they are really pro beauty and beautification of

Boston. As the gentleman who spoke before me agreed that maybe a park should be built. I think that would be a great compromise because it would attract people and it would still be a beautification of Boston.

Robert Vaughan: What this is all about is that businesses are greedy people. They want to make money and I reiterate that maybe the people that live in the area would go for building houses up there. I really don't know. As far as an exit and so forth, I have been out here like I said before I reiterated, since 1979. Until the 219 is completed, probably not in my generation, probably thirty years from now, there is not going to be any business for 219. Nobody wants it. It is really a shame it's that way but that's the way it is. I don't want or nobody else wants to disturb these people's property up there. The businesses, everything you listen and nobody wants. Bottom line and it's not going to change. We can argue about it all night and another thousand people can come up here and speak. It's not going to change and nobody wants it so I don't see why it's not a dead issue.

Michael LaMonte, 6025 West Tillen Road: I am the new house on top of the hill. I totally disagree with building anything there but houses on five-acre lots or fifteen acres. I have a petition of fifty people in the community that oppose it also. If Mr. Eckis is saying he can't sell it because of houses, because of the thruway, I think part of the problem is that his prices are outrageous for the lots. Who in their mind wants to spend that much money for that lot? I think that is part of the problem and I'd just like to let the record be known, and I have fifty signatures opposing building anything.

Mr. LaMonte presented a petition to the Town Board with 50 signatures opposed to the Rice Road rezoning application.

Margaret Braymiller, 5660 Rice Hill Road: I am absolutely against this development. My feeling about it in addition to affecting the beauty of the hill, which has a phenomenal view of the Boston Hills, is how it is going to dramatically affect the tone of that residential community. I live a half a mile from that site. New homes are going up all over on that hill because it is quiet and it is accessible and there is a lot of appeal there. Homes are going up all over. In addition to those things that I am concerned about, I worry about the precedent that is being set. If we allow this rezoning application to go through, there is land directly across the street from where this property is that has been for sale for a long time. What's preventing somebody else to come in and tear down all the trees there and put up another commercial property? Nothing, because we are allowing commercial development directly across the street from there. That's only the beginning. What's going to end up happening is that it will spread. So in addition to pollution, more life and more traffic and ruining the view, I think that setting a precedent like this is dangerous.

David Mariniello, 6610 Rice Hill Road: I would just like to say one thing. I think Mr. Eckis made a poor business decision by buying the property in the first place knowing it wasn't commercial and now he wants us to pay for it.

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PUBLIC HEARING (CONT.):

William Kester, 8829 Rockwood Road: First before I get into the other part I would like to express my disappointment with the Planning Board for even bringing this forward with a recommendation. I'd like to publicly have that on record. Number two, I listened to what Mr. Eckis said before I opened my mouth and he said he can't sell his lots. Well look at all the lots that were built along, the houses that were built along 219 on the West Hill Road after the 219 went in. Currently there is a new build going up at the intersection of Zimmerman and Shero. There are many houses that have gone in along Zimmerman Road. I don't understand why he can't sell his lots. There could be a reason that we heard before but I don't know that personally. I believe maybe in the future a compromise could be obtained. He has got a lot of work to do. I resided in the State of Virginia and they have very strict zoning laws on what you can do and where you can put businesses. I think it can work but I don't think that right now, excuse me, I know that right now I don't have enough information to support it. I'd like to go on record as being firmly opposed to it.

Deborah Knapic, 6314 Pfarner Road: My husband and I have just built a new home about two years ago and one of the reasons that we built that home is that we are originally from the city and believe me it can be very ugly. Once the commercial comes in it is going to be a domino effect and it is going to affect the whole town. It is going to effect the side roads not just West Tillen and it is going to be ugly. It is going to be smelly. It is going to be stinky. Whatever he builds there and eventually it will keep on growing and growing and growing. If you want to do something like that do it in the city. Don't take the beauty of it. When my husband comes home from work, like that other women had said, it is so relaxing. It is so peaceful. To open your windows at night and smell fresh air. I know what the city smells like. Sometimes we had to close our windows because we lived not far from Bakery Salvage. I don't know if you ever heard of that deal but believe me it is not pretty and that is what the Town of Boston is

going acquire. Sooner or later. Maybe when my son is married and maybe still lives here if it is still habitable. Because eventually it is going to get uglier and uglier and uglier.

Kenneth Bihl, 8712 Zimmerman Road: The gentleman right here that spoke a few minutes ago hit the nail right on the head. The fact that the Planning Board had absolutely no specifics and then approved this or recommended this and brought it to your attention is quite honestly a complete waste of everybody's time. Has there been any traffic, drainage or environmental work done? Are you members of the Town Board aware of those studies being done for this project?

Supervisor Rood: Yes. There was a SEQR done (Short Environmental Quality Review).

Kenneth Bihl: For this project there was? For what specific use I might ask?

Supervisor Rood: Well there wasn't a specific use.

Kenneth Bihl: That's the problem. There is no specific use yet.

Supervisor Rood read the SEQR Report from R & D Engineering.

Kenneth Bihl: So therefore overall we really don't have any positive feedback on what could happen?

Supervisor Rood: This is from our engineering firm.

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PUBLIC HEARING (CONT.):

Kenneth Bihl: I would simply ask each individual on the Town Board, everybody in this room probably voted for or against you but they had a voice in this thing. Everybody in this room except one individual that I heard has got up very passionately against this. We voted for you. We are asking you to please follow us and deny this at this point.

Brian Long, 6585 Colonial Drive: I am not much for public speaking but we moved out here about three years ago and one of the reasons is that we used to go down the 219 and we would see the Rice Road exit and how beautiful it was up there and we would get off and look. About a year ago Lisa, I talked to you about a parking lot that they proposed on Hillcroft but I will be pertinent believe me. Ok. And you blamed everything on the Planning Board. Tonight you have blamed everything on the Planning Board but isn't it true that you head up the Planning Board?

Supervisor Rood: No.

Brian Long: Are you on the Planning Board?

Supervisor Rood: No sir.

Brian Long: Then I apologize.

James Carninale, 9044 Rockwood Road: Obviously we live in this town and we're concerned because we are the residents here. There seems to be an undertone about bringing people into our area specifically for business and this is for the good of us. Well I don't think we have a problem bringing people in our area. I bet fifty percent of the people who live here have their

family reunions, holiday picnics, parties. Where do people go to see the fall foliage? Who drives down the 219? I keep hearing how vital and important the potential of the 219 is. Well let's tear it down and put black top down. Well see how potentially good it is. Who goes down the 219 and asks, "gees, where can I stop for a store?" They are coming down here to go to the southtowns to see the foliage, to go skiing, to see the beauty. Like I said, ten minutes the other way and they go to Hamburg. They go to Orchard Park. They go to West Seneca. The developers and whoever, keep talking like us common people don't understand how important and how good we got the 219 and what we should do with it. Well it is as great as it is because it is the way it is not because of what they want to do with it. Let's keep it like that.

Steven Manning, 8755 Zimmerman Road: I would just like to say on this thing that a lot of people here I don't think really realize this is just a Hearing. Nothing has been voted on. Everyone is all upset at all of you guys who really have nothing to do with it, which is normal. The man has some property and he is not selling his lots. It is on an exit of a major expressway which in theory will someday be all the way to Pennsylvania whether we like it or not. If we stop it now that's a good thing. Are we going to have a slaughterhouse up there instead because it is still agriculture? So be it. The man is just trying to do something with something that he purchased and he is trying to make money on it. We don't need to put him down. We just need to vote him down. That's it.

Jill Boeck, 4853 Belcher Road: Like everyone else I moved out here for the same reasons. I lived where the Gallaria Mall was put up so I know how it can be. What I want to say is that I agree with the developers. It will bring in businesses. Business will do great but we are not business and we don't want it.

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PUBLIC HEARING (CONT.):

Joseph Knapic, 6314 Pfarner Road: We have a small contingent here. I would just like to say that we came out to Boston because it is beautiful and everybody knows that. My disappointment lies in the Planning Board and I don't know the politics involved. How do you get on the Board or how do you vote them on but apparently we need change because these people are looking in the wrong direction. Everybody wants to keep this

pristine. We have to start with the Planning Board.

Patricia LaMonte, 6025 West Tillen Road: My son and I live at the nearest residence. We bought the land there simply because that is where I hope to retire and I hope to die. However my son has self-built this house and it has taken us a year and a half of a lot of hard work and we moved there from Kenmore and from West Seneca because of where it was. More importantly, I think is there any possible way to put

this to a rest once and for all? Is there a possibility to have a public referendum or public vote so we never have to go through this again?

Town Attorney Perley: The answer to that is no. It is not necessarily because this Board wouldn't want it. Town governments are only authorized to conduct referendums under certain areas of state law that are authorized. A zoning change is not an authorized subject of a referendum.

Patricia LaMonte: Well we will just keep on trying.

Syed Gilani: Here at this juncture and listening to everybody here I would really, if it is not too much out of line, request of Mr. Eckis, whom I have never known before, to come and tell us if he is really sincere. Then if his only purpose is to make money why can't it beautify that corner? Keep the charm of the Boston Hills and also make money by suggesting he follow this particular plan, he doesn't necessarily have to dig all my ideas but he could just say to us there will be none of the things that you don't want but how about if we create a park like environment and people will come and live in that area like five acre, ten acre so there is a nice country like look, park like look will be preserved and people are living just like us. We are living in country like setting on six acres. Why can't you do that right now and make everybody happy here?

Richard Hawkins, 6892 Pin Oak Drive: There is a way we can probably put this to rest. Mr. Eckis has purchased quite a bit of land he has told us. About 350 acres in Boston, not Colden because they probably wouldn't let him anyway. Anyway as he has developed quite a bit of lots up on Polish Hill where all the lots are sold but I understand one has not, which is on the circle but the rest of them all have been. Maybe if he doesn't feel it can be rezoned and developed maybe he would like to deed it back to the Town for a small fee and never have to worry about it again because we would own it and not him.

Harold Rockwood, 9276 Rockwood Road: I live up on the south end of Rockwood Road and I have been there all my life, eighty-eight years of it. Let me tell you, the more places and the more mechanics you put up on that hill, the more trouble the people are going to have on the Back Creek Road in Boston and this Eighteen Mile Creek going down through here because that water that comes out of the old sky don't get a chance to soak in the water. It runs off the roofs, runs off the hard packed driveways and right down the hill with nothing to stop it.

William Eagan, 7886 Hywood Drive: I am here to address the same issue although some of the things that I thought I would be able to talk about have already been addressed. I want to clarify one or two things here so that there is no misunderstanding that I've

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