

Town Board Minutes April 17, 2002

REGULAR BOARD MEETING TOWN HALL

APRIL 17, 2002 7:30 P.M.

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

Herbert H. Klein, Good Shepherd Lutheran Church, opened the meeting with a prayer.

PROCLAMATION JACK AND DOLORES SEUFERT

PROCLAMATION HAROLD ROCKWOOD

A motion was made by Councilman Mead and seconded by Councilman Edington to refer to the Planning Board for review and recommendation, an application from SBA Network Services Inc. for co-location of a FM Radio Antenna and a 1.8 meter satellite dish at the SBA Tower Site, 6405 Ward Road.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to adopt the minutes of the April 3, 2002 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Edington, upon review by the Town Board, that the Fund Bills on Abstract #4A, dated April 17, 2002, amount of \$73,371.22 be paid.

five (5) Ayes Carried

Received and filed NYS Department of Transportation Designation of Restricted Highway.

Notification of the NYS DOT Designation of Restricted Highway was forwarded to the Supervisor, Highway Superintendent, State Police, three fire companies and the Boston Emergency Squad.

Received and filed Erie County Sheriff Report for March 2001.

REQUESTS FROM THE FLOOR

Sondra Kadlubowski, former Town of Boston Bookkeeper: This is to the Supervisor, I take offense at what you reported in the Citizen and I want it noted that your new bookkeeper closed the books for three funds and that I closed the books for twenty-two funds in February. I have a copy of the voucher I submitted for closing the funds and the Town Board approved it. You also stated that the books weren't closed when you took over. You can't close the books until February and until all the bills are in. You can't file income tax before the end of the year because you don't get W2's until January. The first abstract in February still has bills from the previous year and the State Comptroller says that you have to accrue those bills. So whether you have an antiquated bookkeeping system or a brand new system, it makes no difference, you still can't close the books until February. In all the years that we used the primitive system we never had a problem with the State about our financial records or reports. I want it printed in the Citizen that you retract your statement that the books weren't closed before you took over because they can't be closed until February.

Herbert Klein, President Maplewood Cemetery: Last year the sign over the entrance of Maplewood Cemetery was removed for repairs and now needs to be put back up. We request permission for the Highway Department to use their excavator to hold it up while the bolts are installed. The job should take fifteen minutes.

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A motion was made by Councilman Simmeth and seconded by Supervisor Eagan to authorize the Highway Superintendent to assist in installing the sign for Maplewood Cemetery.

five (5) Ayes Carried

Edward Gresco, 5545 Ripple Drive: I live in the Creekside Subdivision and the street is torn up because of the sewer project. Is there any chance of reducing the 35-mph speed limit?

35 mph is too fast and now with the dust the situation is worse.

Town Attorney Perley commented that the contractor should be able to restrict the speed limit and if he is not willing or able to do so the Highway Department can reduce the speed limit on an emergency basis.

Pearl Emerling, 9824 Trevett Road: Our neighbor Robert Stanek is also here and we request the speed limit be reduced on Trevett Road. There are three businesses plus two roads converging, Brown Hill and Route 39, that add to the problem. Approaching Route 39 the speed is 45 mph and in our area it is 55 mph. It is very dangerous going in and out of our driveway and a friend got in an accident. Weeds are growing around the curve in the road causing poor visibility.

Councilman Simmeth commented that the Town Board adopted a resolution to reduce the speed limit on Trevett Road and NYS denied the request.

Pearl Emerling: Why did they reduce it on the other end of Trevett where there is only one lane of traffic when there is two lanes near us?

Councilman Simmeth commented that the Town Board will put in another request for a speed reduction.

Town Attorney Perley noted that there is a new series of manuals published by the Association of Highway Superintendents that NYS adopted and it appears there is more receptivity to applications.

Councilman Wiktor noted that a rationale for speed reduction would be to maintain the same speed limit for the entire road.

Recreation Director Clesse presented two awards to the Town Board from the Niagara Frontier Recreation and Parks Society. One, a Publication Award for the design efforts of Rene Clesse and an award to Linda Carney for her twenty years of service to our youth. Both awards are the result of volunteer efforts.

Recreation Director Clesse announced that through the efforts of James Reichert, President of Boston Football and Cheerleading, and Vice President of the Southtowns Football Youth and Cheerleading Association, the group received the status of non-profit. Applying for their own grants they secured grants from General Motors and Verizon. To better serve the children there will be four teams instead of three and there is a web site, southtowns football.com. By-laws require the Board and all coaches to have National Youth Sport Coaches Assoc. training. The Town of Boston chapter was established by Recreation Director Clesse in 1994.

Recreation Director Clesse announced that Summer Recreation Day Camp Program registration is at the Town Hall May 7th and 9th from 7-8:30, with a May 10th deadline and a late deadline of May 17th.

Received a request from Harold Hendrix, Senior Alternate Member of the Zoning Board of Appeals, for appointment as a ZBA member.

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A motion was made by Councilman Mead and seconded by Councilman Wiktor to appoint Harold Hendrix to the Zoning Board of Appeals, term to expire 4/1/07.

five (5) Ayes Carried

Received a request from Erie County Clerk Swarts for a Boston resolution in opposition to a Records Management fee increase.

RESOLUTION 2002-18 OPPOSITION TO PROPOSED INCREASE IN LOCAL GOVERNMENT RECORDS MANAGEMENT

IMPROVEMENT FUND

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to table the establishment of an additional position for Court Officer, Part-time.

five (5) Ayes Carried

Received a request from Thomas Lanham, President Boston Youth Baseball, to have his letter read into the minutes and for a formal response from the Town Board on the position of Recreation Coordinator, and how the Town plans to support these duties if this position is not re-instated.

Letter to Recreation Director Clesse from League President Thomas Lanham dated 4/3/02, received in Town Clerk's Office 4/10/02.

Supervisor Eagan commented that in the interest of resolving this issue the item will be tabled for further discussion.

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to table action regarding the Recreation Leader position.

five (5) Ayes Carried

Councilman Simmeth inquired if Recreation Attendant and Recreation Coordinator are one in the same.

Recreation Director Clesse responded that they are not.

Supervisor Eagan distributed a copy of the duties of a Recreation Attendant.

Thomas Lanham, League President: To our organization this is a major issue, we need support and that is something that Jerry Lindsey gave. The way this was handled was very poor. We were informed at a meeting that Jerry Lindsey's position was eliminated and he was not invited to that meeting. We were then asked to inform him that his position was eliminated. Jerry Lindsey was here every day, prepping fields, calling in if there was a rain out and that is something that is sorely missed. The Town should be striving to improve the program. We have a hard time getting coaches. Our league population has gone up. We expanded programs going beyond our in-house league to give the kids somewhere to play ball until they are twenty years old. I think taking something away from one organization is hurting that organization. We should strive to raise all organizations up to a level.

Thomas Lanham inquired if there is a date when the tabled item will be discussed and will it be on the agenda for the next Town Board meeting.

Supervisor Eagan responded that this issue will be discussed by the Recreation Committee and he will advise Mr. Lanham within the next two weeks.

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RESOLUTION 2002-20 AUTHORIZING THE ERIE COUNTY DEPARTMENT OF PUBLIC WORKS TO INSTALL CERTAIN WATER MAIN DURING THE RECONSTRUCTION OF OMPHALIUS ROAD (C.R. 439)

RESOLUTION 2002-21 APPROVING THE ADOPTION OF USDA RESOLUTION WITH REGARD TO WATER DISTRICT No. 3

Received an Engineering Proposal from R & D engineering for engineering work on the FEMA 18-Mile Creek?Bank Stabilization project for a lump sum fee of \$19,400.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize Supervisor Eagan to execute a contract with

R & D engineering for engineering work on the FEMA 18 Mile Creek? Bank Stabilization project, for a lump sum fee of \$19,400.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to remove from the table a request from Fred Knapp of Barden Homes, Lot #3 Hickory Meadows, to use Roy Place as an access for a driveway.

five (5) Ayes Carried

Received from the Planning Board regarding Fred Knapp of Barden Homes, Lot #3 Hickory Meadows, to use Roy Place as an access for a driveway, a request that appropriate legal documents be prepared by the Town Attorney addressing issues such as indemnification, damages and drainage.

A motion was made by Councilman Mead and seconded by Councilman Edington to refer the request of Fred Knapp, Lot #3 Hickory Meadows, to use Roy Place as an access for a driveway, on the

recommendation of the Planning Board, to Town Attorney Perley for preparation of an easement and to authorize the Supervisor to sign the easement agreement after acceptance by Fred Knapp.

five (5) Ayes Carried

SUPERVISOR REPORT

Received Supervisor's monthly financial reports for January, February and March 2002.

Supervisor Eagan reported that he contacted R & D Engineering and the contractor for the Creekside Subdivision Sewer Project regarding the problem of sewers backing up into area homes. Supervisor Eagan noted that the representatives are displaying good cooperation in addressing problems.

Supervisor Eagan announced that Earth Day is April 20, 2002 and he will provide lunch to volunteers.

Supervisor Eagan reported that he contacted Paul Becker, ECWA Representative, regarding the water pressure increase in Water District #2. The increase date will be rescheduled and notification will be sent to affected homeowners to enable them to obtain pressure reducer valves.

Supervisor Eagan reported that regarding the Erie County traffic study being done on Boston State/Boston Colden Roads, results should be available within two weeks. Erie County has changed and repaired signage in the area.

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TOWN CLERK REPORT

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Town Clerk Monthly Report for March 2002.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Tax Collector Monthly Report for March 2002.

five (5) Ayes Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the 2002 Capital Improvement projects will begin on May 15th. Rockwood, Enser and Patchin Roads will be done first.

Superintendent Kreitzbender reported that brush chipping is still being done. Chips are available to residents at the Highway yard.

Superintendent Kreitzbender reported that he met with FEMA representatives on April 16, 2002 and the Town of Boston will receive a partial reimbursement for road damage during the December 2001 storm.

Superintendent Kreitzbender reported that installation of the new backstop in the North Boston Park will begin by next week.

Supervisor Eagan inquired as to the status of the pad for the restrooms.

Superintendent Kreitzbender responded that the pad for the restrooms will be done next week.

COUNCILMAN REPORT

Councilman Mead inquired if the FEMA reimbursement discussed by the Highway Superintendent is in addition to funds previously received.

Highway Superintendent Kreitzbender replied that the FEMA reimbursement is in addition to funds previously received and is a result of a recent investigation of road damage, Wildwood Drive erosion problem and the waterline behind Rucker Lumber.

Councilman Mead requested a report on the many trucks bringing fill to the Town Park.

Highway Superintendent Kreitzbender reported that he was notified by Councilman Wiktor that free NYS and NYS DEC approved fill could be delivered to the Town Hall Park to fill in the area needed to move the driveway. The nine hundred loads of free fill provided for the installation of a permanent driveway moved totally away from the play area. An area was filled in to allow parking for fifty or sixty more vehicles. A fence will be installed from the start of the play area to the pond with a gate to protect the fields.

Councilman Wiktor noted that the town is fortunate to receive this clean fill because it sells for approximately \$35 per load. Previously the girls softball benches were right on the road and now they will be fenced in for their safety.

Councilman Simmeth reported that he will have the paperwork for the Trevett Road speed reduction request by the next meeting.

Received and filed Code Enforcement Officers monthly report for March 2002.

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Received and filed Dog Control Officers monthly report for March 2002.

Councilman Simmeth thanked Cindy McCann for adopting a dog and noted that he is starting something new and thanking everyone who adopts a dog because it is great to see a zero after the number of dogs euthanized.

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

KAREN A. ELLIS, DEPUTY TOWN CLERK