

## Town Board Minutes April 20, 2005

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Karl J. Simmeth Jr., Dennis J. Mead, and Supervisor William A. Eagan

Also Present: Highway Superintendent Telaak and Town Attorney Vacco and Code Enforcement Officer Kramer.

RESOLUTION 2005-09 1996 CLEAN WATER/CLEAN AIR BOND ACT ? TITLE 3 SECTION 56-0303 WATER QUALITY IMPROVEMENT PROJECTS AND ENVIRONMENTAL PROTECTION FUND ARTICLE 17-14 ENVIRONMENTAL CONSERVATION LAW; PERFORMANCE PARTNERSHIP GRANT PUBLIC LAW 104-134 NONAGRICULTURAL NONPOINT SOURCE PROJECTS

Supervisor Eagan read the following quotes for construction of a new stage for the Lion's Shelter.

Sequoia \$9,811.00

Staging Dimensions \$8,639.00

Staging Concepts, Inc. \$7,094.20

A motion was made by Councilman Mead and seconded by Councilman Hawkins upon the approval of Foit-Albert Associates to accept the bid from Staging Concepts, Inc. of \$7,094.20 to construct a new stage for the Lion's Shelter.

five (5) Ayes Carried

PROCLAMATION MUNICIPAL CLERK'S WEEK MAY 1ND - MAY 7TH, 2005

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to adopt the minutes of the April 6, 2005 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board, that the fund bills dated April 14, 2005 in the amount of \$105,570.04 be paid.

five (5) Ayes Carried

Referred a letter from Kevin M. Kelley, Clerk Erie County Legislature regarding a Notice of Proposal and the Eden Agricultural Districts to Town Attorney Vacco for recommendation.

#### REQUESTS FROM THE FLOOR

The following residents voiced their concerns regarding the revaluation process:

Larry Mills, 5582 Ripple Drive Paul Simon, 8635 Cole Road

Terry Matie, 8545 Zimmerman Road Larry Steward, 7533 Valley Circle

Marilyn Wershoven, 5883 Old Orchard Dr. Rhonda Mills, 5582 Ripple Drive

Jan Wojcik, 8046 Lower East Hill Road John C. Mihok, 7188 Omphalius

Carol Ball, 5608 Meadow Dr. Wayne Hahn, 7331 Chestnut Ridge Rd.

Clinton DeKay, 8271 Boston State Road Larry Fotevski, 7350 Cole Road

Phyllis Pawlowski, 4890 Boston State Road Scott Westermeier, 8326 Back Creek Judy Radus 5667  
Homestead Road John Luffman, 5667 Homestead

Bob Krull, 8222 Boston State Road Bob Witt, 7454 Heinrich Road

Tim Dinse, 7146 Boston State Road George Golebiewski, 4693 Pinecrest

Douglas Miller, 6541 Fairlane Drive

The most frequently asked questions were:

1. How could there be an increase in assessment and a decrease in taxes?
2. Why couldn't each home been thoroughly inspected by TSL?
3. Why wasn't detailed information regarding the grievance process sent out with the notices?
4. Why did the town authorize this revaluation?
5. Why was TSL Co. hired to do the revaluation?
6. Concern about the appointment deadline being April 20.

Supervisor Eagan responded that NYS mandated that the Town of Boston complete a revaluation of property to bring all properties up to full market value. TSL Co., a Buffalo based company was paid \$65,000 to do the revaluation. If residents do not think their assessment is fair they may schedule an appointment with TSL Co. for an informal review. They may proceed to the Assessment Board of Review if they do not agree with TSL determination. If they are not satisfied with the Assessment Board of Review determination they may proceed to Small Claims Court. Supervisor Eagan stated that the only reason school taxes would go up, regardless of 100% valuation would be because the school districts need more money to run the schools. Because the old assessment program had us at 59%, we will get hit with a higher apportionment of responsibility in paying what they determine Town of Boston residents attending Orchard Park schools need to pay. School boards do not want to see us 100%. The deadline of April 20 has been extended. Supervisor Eagan stated that information would be mailed to residents describing the assessment challenge processes and a description of documents needed to demonstrate your fair market value.

Town Attorney Vacco stated that the State Legislature only gives authority to Assessors to assess real property for the purposes of tax assessment. The Town Board has no authority to assess property, nor do they have authority to adjust assessments. Only the Assessor can adjust assessments. There are administrative remedies in which a grieved property owner can go through. The assessments that were mailed were tentative. If you have an issue with your assessment, you need to address that with the Town Assessor. The Assessor does not have the authority to hire whatever firm she wants because the Town Board is the fiscal watchdog of your tax dollars.

Councilman Hawkins noted that the last re-val in the town was in 1989.

Councilman Mead noted that there were public meetings regarding this issue and only a few residents attended. He agreed that more information needed to be sent with the notices. Bids were received from contractors to do the revaluation. TSL Co. offered the least expensive bid and NYS guaranteed all figures would be reviewed. NYS mandated that we put our values to 100%. The Town Board is upset as to how this process was handled and we will have a meeting with the contractor to address problems.

Town Clerk Shenk noted that the deadline has been extended and the earliest appointments with TSL, Co., are May 5. Residents that call or have already called the Town Clerk's office, Assessor's office, or the Supervisor's office for an appointment will receive a return call and an appointment will be made. There is a link to the New York State website available by going to [www.Townofboston.com](http://www.Townofboston.com)

Councilman Hopkins announced that the Assessor was available for anyone who may want to speak with her this evening.

Dave Brown, 7911 Lower E. Hill asked for the completion date for Water District #3.

Supervisor Eagan stated that phase 1 and 2 have been completed and is working on getting preliminary estimates for the Northeast corner of Boston including Old Lower East Road, part of Burr Road and the remaining portion of Lower East Hill Road.

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A motion was made by Councilman Hawkins and seconded by Councilman Hopkins to approve the 2005 Hourly Rate for the following Parks employees; Milford Lickfeld, \$10.00; William Stang, \$9.50; and Scott Fellows, \$8.50.

five (5) Ayes    Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to approve the Transfer of Appropriations as follows:

GENERAL FUND:

FROM: Acct.

Appropriations A 960 1,327.40

Contingency 1990.4 1,327.40

Total 1,327.40 1,327.40

TO: Acct.

Appropriations A 960 1,327.40

Conservation-Cont 8710.4 1,327.40

Total 1,327.40 1,327.40

five (5) Ayes Carried

RESOLUTION 2005-08 NEW YORK STATE UNIFIED COURT SYSTEM JUSTICE COURT ASSISTANCE PROGRAM

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the Use of Facilities application from the Turning Back the Clock Committee for May 21, 2005.

five (5) Ayes Carried

Received from the Planning Board a recommendation to amend ?permitted uses and structures? Town Code Section 123-71 in a C-1 Zoning district to include small animal hospitals.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to schedule a public hearing to hear comments on proposed local law #2 of the year 2005, to amend the Permitted Uses and Structures of the C-1 Local Retail Business District to include Small Animal Hospitals for May 18, 2005 at 7:45 p.m.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to issue a soil removal permit to Greg Dake at 7825 Back Creek Road.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins upon the recommendation of Recreation Director Vara to appoint the following to the 2005 Summer Recreation Day Camp term to expire August 31, 2005.

Name	Title	Wage
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Kathy Maghran	Camp Nurse	\$500
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Bonnie Hall Sprauge	Arts/Crafts Director	\$9.50/hr
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Cary Cartonia	Life Guard/Aquatic Director	\$9.50/hr
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five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a public hearing to hear comments on proposed local law #1 of the year 2005, to establish a Real Property Taxation Exemption based upon disability for May 18, 2005 at 7:40 p.m.

five (5) Ayes Carried

#### DEPARTMENT ANNOUNCEMENTS/ACTIONS

Received and filed monthly reports from the Supervisor, Tax Collector, Town Justices, Code Enforcement Officer's, Dog Control Officers, Town Engineer and Recreation Director.

Supervisor Eagan stated that the Earth Day Fishing Derby would be Saturday, May 7 at 1:00 p.m.

Supervisor Eagan stated that he would invite County Legislator Chase to a Town Board meeting to discuss what the Legislature has done to prioritize what needs to be done in regards to the county budget.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to accept the Town Clerk's report for March 2005.

five (5) Ayes Carried

Town Clerk Shenk noted that in response to Councilman Simmeth's request at the last Town Board Meeting he has been in discussion with Town Attorney Vacco regarding proper handling of town records and a memo was sent out to Department Heads/Staff that hold these records and included a copy of Town Code #87, Public Access to Records, which indicates that if records are being provided to someone any portion that may be an invasion of privacy should be blackened out. Any doubt as to whether a record can be released should be directed to him or Town Attorney Vacco.

Supervisor Eagan confirmed that any written FOIL requests should be referred to Town Clerk Shenk.

Highway Superintendent Telaak noted that the surplus equipment auction brought in \$13, 510.

Councilman Hawkins stated that he received notice from NYSDOT regarding establishing a 45 mph speed limit for North Boston Road from Heinrich Road to the Eden town line.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 9:43 p.m.

five (5) Ayes    Carried

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DAVID J. SHENK, TOWN CLERK