

Town Board Minutes April 3, 2002

REGULAR BOARD MEETING TOWN HALL

APRIL 3, 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.

RESOLUTION 2002-17 A RESOLUTION TO ESTABLISH DATES OF REGISTRATION FOR SUMMER RECREATION PROGRAM

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adopt the minutes of the March 20, 2002 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 on Abstract #3, dated April 3, 2002 in the amount of \$109,253.67 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff Report for February 2002.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to refer the Site Plan for Douglas Wittmeyer, 7186 Boston State Road, to the Planning Board for review & recommendation.

five (5) Ayes Carried

REQUESTS FORM THE FLOOR

Peter Lindner, 6591A Omphalius Road: I would like to know the latest on the East Hill water project.

Supervisor Eagan: There is a meeting scheduled April 4, 2002 with County and Orchard Park officials. I met with Erie County Officials and our Town Engineer to discuss the Omphalius Road reconstruction plan. Every decision is now in the hands of Orchard Park.

Peter Linder: They want to charge us about \$84,000?

Supervisor Eagan: Our Attorney has sent Orchard Park a proposal based upon previous negotiations and an additional term to the agreement which will be discussed tomorrow. In fairness to the users in that district we are attempting to eliminate that additional cost.

Peter Lindner: I don't know how many homes are in the new water district.

Town Attorney Perley: I hesitate to speculate because I don't have the map, plan and report in front of me. The relationship between the number of users in the Town of Boston in District #17 for the affected facilities is approximately one third in district #3 if it were fully built out and two thirds in district #17. The cost is based upon a depreciated cost of the facilities in Orchard Park. If you want the specific cost I would be able to get it for you.

Peter Lindner: I was wondering how many houses would have to absorb that \$84,000. If it is 400 that is really not that much money.

Supervisor Eagan: The concern is that not everybody is in the same financial position. Anything we can do to defer costs on that project benefits everyone. We are trying to work for the whole not the few.

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Town Attorney Perley: We are also limited by the method and funding we established when we formed the district. This was not considered as part of the budget. We have to look closely as to whether or not this is feasible within the legal structure of the district.

Peter Linder: If you could come up with an approximate figure per property it would be easier on the residents.

Councilman Simmeth noted that if a resident's water supply was low, water could be obtained from the Town Hall by obtaining a key from the Town Clerk.

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

General Fund: Appropriation A960 \$26,469.00

From: Parks ? Contractual A7110.4 \$26,469.00

Appropriation A960 \$26,469.00

To: Parks ? Equipment A7110.2 \$26,469.00

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, on the recommendation of Recreation Director Clesse, to approve the following re-appointments to the Summer Recreation Day Camp 2002, term to expire 8/31/02:

Andrew P. Smith	Supervisor	\$7.60
Andrea Odden	Craft Supervisor	\$6.10
Melissa Dzikowski	Counselor	\$5.90
Julie Ehlers	Counselor	\$6.00
Jennifer Klein	Counselor	\$5.80
Jonathan May	Counselor	\$5.50
Andy Mead	Counselor	\$5.70
Kristen Partridge	Counselor	\$5.70
Nathan Wright	Counselor	\$5.60
Katie Martin	Sub Counselor	\$5.60
Scott Bihl	Site Supervisor	\$7.60
Jennifer Ehlers	Counselor	\$5.60
Rae Mleczklo	Counselor/Lifeguard	\$5.60/7.00
Tina Musselman	Counselor	\$5.60
Robert Rooney	Asst Site Supervisor	\$6.35
Amanda Vara	Counselor	\$5.90
Doris Pilato	Craft Supervisor	\$7.00

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Edington to schedule the bid opening for the Yellow Bus Transportation for April 30, 2002 at 10:00 a.m.

five (5) Ayes Carried

A motion was made by Councilman Edington and seconded by Councilman Simmeth to refer to the Planning Board the application of Barden Homes for Lot #2 ? Hickory Meadows Subdivision, for review and recommendation.

five (5) Ayes Carried

RESOLUTION 2002-14 A RESOLUTION TO AMEND THE SCHEDULE OF FEES FOR THE TOWN OF BOSTON

Received notification from Highway Superintendent Kreitzbender of the advancement of Mark Chiddy from a Laborer Position to a Scale One Truck Driver.

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Town Attorney Perley noted that the advancement of Mark Chiddy in the Highway Department is in accordance with terms of the Collective Bargaining Agreement.

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor, on the recommendation of Highway Superintendent Kreitzbender, to advance Mark Chiddy from a Laborer Position to a Scale One Truck Driver.

five (5) Ayes Carried

Received a request from Daniel Hurtubise for appointment to the Conservation Advisory Council.

A motion was made by Councilman Wiktor and seconded by Councilman

Simmeth to refer to the Conservation Advisory Council, for review and recommendation, a request from Daniel Hurtubise for appointment to the Conservation Advisory Council.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman

Edington to schedule a Public Hearing on May 1, 2002 at 7:45 p.m.

for Local Law No. 1 of the Year 2002 ? Extend Superintendent of Highway Term to Four Years.

five (5) Ayes Carried

Supervisor Eagan commented that the office of Highway Superintendent is the only elected office in the Town of Boston that remains a two year term and that it is time to take action and get input from the public to change this term.

RESOLUTION 2002-15 ACCEPT CONVEYANCE OF CERTAIN REAL PROPERTY

Town Attorney Perley, noted that regarding the conveyance of property on Appletree Road from Ormus and Josephine Davenport to the Town of Boston, the Highway Superintendent has agreed to execute a consent to take the property into his jurisdiction as part of the Town Highway system.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to continue to table a request from Frederick Pike for appointment to the Zoning Board of Appeals.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Edington to remove from the table a request from Assessor Hornberger for the appointment of an Assessment Clerk, part-time.

five (5) Ayes Carried

Received from Assessor Hornberger, a recommendation dated March 13, 2002, for Nina Wunch to fill the position of Assessment Clerk, PT.

Supervisor Eagan reported that three applicant resumes for the position of Assessment Clerk, PT were sent to the Erie County Personnel Department and only Nina Wunch was determined to be qualified for the position.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of Assessor Hornberger, to appoint Nina Wunch to the position of Assessment Clerk, PT, term retroactive to 4/1/02 and to expire on 12/31/02.

five (5) Ayes Carried

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A motion was made by Supervisor Eagan and seconded by Councilman Mead to remove from the table a Soil Removal Permit Application for Roy Emerling, 7957 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington, on the recommendation of Code Enforcement Office Kramer, to approve the Soil Removal Permit Application for Roy Emerling, 7957 Boston State Road.

five (5) Ayes Carried

Town Attorney Perley reported that the Highway Superintendent has observed that driveways meeting existing roads in the Town of Boston are being constructed at an angle that damage Highway equipment and/or driveways.

Supervisor Eagan commented that the Code Enforcement Officer feels that the Contractor should contact the Highway Superintendent on the construction of driveways rather than the Code Enforcement Officer.

Town Attorney Perley responded that the Code Enforcement Officer cannot be absolved of the responsibility of enforcing the specifications whether or not as a practical matter it is done in consultation with the Highway Superintendent such as with the Culvert Permit process.

RESOLUTION 2002-16 A RESOLUTION AMENDING THE CONSTRUCTION SPECIFICATIONS OF THE TOWN OF BOSTON

Received an amendment to the original request from the Boston Hillfest Committee for use of the Town Park/Shelter July 10th through July 17th, to include the serving of alcoholic beverages.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to amend the original request from the Boston Hillfest Committee for use of the Town Park/Shelter July 10th through July 17th, to include the serving of alcoholic beverages.

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor Eagan extended his best regards to the Hillfest Committee and the Patchin Fire Company who met on April 2, 2002 and reached an agreement where Patchin Fire Company will participate in the Hillfest event as they have in the past.

Supervisor Eagan thanked Highway Superintendent Kreitzbender and Grants Writer Connie Miner for reinstating a FEMA grant for a study and funds for past flood damage to creek embankments and nature trails behind the Town Hall. FEMA granted a request for an extension until July 21, 2003 to cover the past damage as well as the most recent damage.

Supervisor Eagan commented that in the past he has made many requests to the Town Attorney and each Councilman for their help in the return of documents from the previous Supervisor, which she has confirmed that she has. Supervisor Eagan informed the Town Board that he is through asking and has obtained Legal Council to look at his legal position as the Town Supervisor and enforcing the Town Law as written by the State of New York, to command and compel her (Lisa Rood) to return those records that would allow the daily business of this government to run smoother. It would aid in the determination of where the dollars were intended to be spent within the budget, for example such as who is to get raises and what is to be done in the parks etc.

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TOWN CLERK REPORT

Town Clerk Shenk announced that he will be on Military leave April 15th through April 26th, 2002.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that he met with FEMA, SEMO, Grants Consultant Connie Miner, R&D Engineering Representative and Supervisor Eagan to investigate the substantial

damage on Wildwood, Hywood, Old Pfarner Road and the problem behind Rucker Lumber. R & D Engineering compiled a list of items for consideration by FEMA and SEMO.

Highway Superintendent Kreitzbender reported that the brush pick-up is ongoing due to the two winter storms and the recent tree-trimming project by NYSEG.

Highway Superintendent Kreitzbender thanked the Town Board for action on his request for a four-year term.

Highway Superintendent Kreitzbender reported that this week a permanent driveway is being installed in the Town Park. Free fill is being used to fill in the area for parking and Highway Superintendent Kreitzbender apologized for the disruption during the annual Easter Egg Hunt.

Highway Superintendent Kreitzbender announced that he will meet with an expert on a cement pad to be installed in the next few weeks for the park restrooms.

TOWN ATTORNEY REPORT

Town Attorney Perley announced that he will meet next week with Peter J. Smith Co. to review the final details of the text of the Master Plan and make technical adjustments.

COUNCILMAN REPORT

Councilman Mead reported that he attended a Nutrition meeting at the Walden Park Senior Complex. The name of the nutrition program has been changed from the Erie County Nutrition Program to the NYS Stay Fit Dining Program. It was suggested that a sign be placed in front of the Town Hall to advertise the program and increase participation.

Councilman Mead noted that Recreation Director Clesse suggested that signs be installed in the front and rear of the Town Hall stating that the Town Hall is handicap accessible and that an elevator is available because many residents are not aware there is a elevator.

Councilman Mead thanked Deputy Town Clerk Ellis for her help in promoting the CMC Community Newsletter/Guide. A letter was sent to business leaders with a sample newsletter. There is no cost to the town and some of the same information gathered for the newsletter will be used for the town website.

Councilman Simmeth announced that NYS has confirmed to Erie County that a traffic study will be done on Patchin Road.

Councilman Simmeth reported that Erie County, in a follow up to a March 12, 2002 Town request for safety improvements at the Boston State/West Tillen Roads intersection, responded that there are additional ideas including intersection speed advisory signage. This is in addition to the study to be done.

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COUNCILMAN REPORT (CONT.)

Councilman Edington thanked Highway Superintendent Kreitzbender for providing access to the creek for the Fish Stocking Program, and CAC Members and Trout Unlimited Members who participated in stocking the creek with 750 Brown Trout.

Councilman Edington reported that Earth Day is April 20th and there will be a tire drop-off, a Composting and Soil Testing Program by Master Gardeners from Cornell, and a show on how to build a bluebird house.

Councilman Edington announced that there is a computer recycling program at Buffalo State College on April 20th and Erie Community College South on June 29th.

Received a request from Patricia Thompson for appointment to the Conservation Advisory Council.

A motion was made by Councilman Wiktor and seconded by Councilman Edington to appoint Patricia Thompson to the Conservation Advisory Council, term to expire 3/1/05.

five (5) Ayes Carried

PROCLAMATION MUNICIPAL CLERK'S WEEK APRIL 28-MAY 4, 2002

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

Received and filed Town Engineer's monthly report for March 2002.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:15 p.m.

DAVID J. SHENK, TOWN CLERK