

Town Board Minutes August 15, 2001

REGULAR BOARD MEETING TOWN HALL

AUGUST 15, 2001 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 Perley.

Rev. James Laun, Churchill Memorial Church, opened the meeting with a prayer.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the July 11, 2001 regular meeting with the following correction:

SUPERVISOR REPORT:

From: Rice Road, between Rice and Rockwood Roads has been recommended for a parking lot site for horse trailers and hikers to be installed by Erie County from FEMA funds.

To: Rice Road, between Rice and Rockwood Roads has been recommended for a parking lot site for horse trailers and hikers to be installed by Erie County from Legislators Chase and McCarville Member Item Funds.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adopt the minutes of the Special Board Meeting of August 1, 2001

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and

Special District Bills on Abstract #8A, dated August 16, 2001 in the amount of \$72,809.47 be paid.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Mead, upon Town Board review, that Highway Bills on Abstract #7, dated July 11, 2001 in the amount of \$122,733.83 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to adopt the Town Clerk's Monthly Report for July 2001.

five (5) Ayes Carried

Received and filed notification from Adelphia Cable regarding the Adelphia Community Network.

Councilman Tills commented that Thomas Haywood, Adelphia Vice President of Operations, noted that the Adelphia Community Network billboard service on channel 10 and other billboard channels will be replaced with other programs.

Received and filed a Notice of Petition for Tennessee Gas.

Referred to the Town Attorney and Town Insurance Consultant a Notice of Claim from Bruce and Donna Purves, 6425 Patchin Road regarding an automobile accident in the Town of Concord.

Received and filed notification of a Liquor License Renewal Application for Mariano's Pizzeria and Restaurant, 8163 Boston State Road.

Received notification from NYS DOT that the "No Standing Any Time" zone will be extended on Route 277 from Abbott Road to Hickory Drive on the east and west sides.

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Received notification from NYS DOT that the speed limit on Back Creek Road has been reduced to 30MPH from Patchin Road to Hillcroft Dr. and 40MPH between Mill Street and Hillcroft Dr.

Councilman Simmeth commented that both actions from the NYS DOT should please area residents.

Received and filed notification from Erie County that a T-1 data line from the Rath Building to the Boston Town Hall will be installed at no cost to the town.

Supervisor Rood commented that this will allow the Town and County to transmit data to each other and allow the Town Clerk/Tax Collector to have access to the County tax files in order to search back tax information.

Town Clerk Shenk noted that the County Tax Receiver Association is upset over this proposal as they were not asked for input by the county and details need to be worked out.

A motion was made by Supervisor Rood and seconded by Councilman Mead to grant Erie County permission to install a T-1 Data Line from the Rath Building to the Boston Town Hall.

five (5) Ayes Carried

At 7:45 a Public Hearing was held for the purpose of hearing public comments on a Special Use Permit to establish a day care center at 8965 Boston State Road.

Supervisor Rood read the legal notice and noted that 16 neighboring property owners were notified and given an Assessor's map outlining the property and a copy of the letter of intent.

Received a Planning Board letter recommending approval contingent on Town Engineer review, acceptance and approval of the existing drainage, installation of a durable and dustless material in the parking area required by town code and adequate lighting with the town reserving right to re-address this issue if lighting is deemed insufficient.

Received a letter from Town Engineer

Robert Harris noting that the existing drainage is adequate and the existing surface on the parking lot is satisfactory.

Periodic dressing of the parking lot be required as needed.

A motion was made by Councilman Wiktor and seconded by Councilman Tills to open the public hearing.

five (5) Ayes Carried

Patricia M. Marcello, Owner/Director Early Bird Nursery School and ChildCare Centers: I am here in hopes you will allow me to open a day care center in your town. We had a day care center at Kissing Bridge Ski Resort and it has been closed because Kissing Bridge needed the space. This is the 26th year of the Early Bird ChildCare Centers. The centers are a small safe environment with a nursery school/pre-kindergarten program. We care for babies, toddlers, and three, four and five year olds along with children before and after school.

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PUBLIC HEARING (CONT.)

Supervisor Rood: How many children do you expect to take care of here?

Patricia Marcello: A maximum of forty-four children per day.

Supervisor Rood: What would your hours of operation be?

Patricia Marcello: Probably six to six.

Councilman Wiktor: Would the children be brought in by bus or personal car?

Patricia Marcello: Personal car.

Councilman Mead: Would there be a latch key program?

Patricia Marcello: There could be a bus if there was a latchkey.

Supervisor Rood: Are you going to have an outdoor play area?

Patricia Marcello: Yes. We just received a NYS grant for a bathroom at another center and have applied for a NYS \$10,000 grant for a safe surface playground and equipment etc. at this center.

Supervisor Rood: Save the grant, do you have plans to have an outdoor area?

Patricia Marcello: If we don't have a grant all of our schools have a safesurface playground, equipment and fences.

Councilman Wiktor: How many staff members are you anticipating?

Patricia Marcello: Probably nine. Two staff members in each group and one director at maximum capacity. It is ratio driven by NYS licensing.

Councilman Tills: What are the license certification requirements for workers?

Patricia Marcello: It varies. It goes anywhere from a bachelor's degree to an associate's degree to a high school degree.

Supervisor Rood: Regarding staff, would you primarily be interested in people from the Town of Boston?

Patricia Marcello: Yes, particularly for the six o'clock shift.

A motion was made by Councilman Tills and seconded by Councilman Mead to close the public hearing at 8:00 p.m.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, on the recommendation of the Planning Board and Town Engineer, to approve a Special Use Permit to establish a Day Care Center at 8965 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize the Bookkeeper to pay the NYS Department of Labor a total of \$3,030.09 plus an additional daily interest of \$.90.

five (5) Ayes Carried

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PROCLAMATION WNY BASEBALL HALL OF FAME

Supervisor Rood reported that notification was received from NYS that the \$20,000 grant awarded from Senator Volker and the \$5,000 grant from Assemblyman Smith for the Town Hall Restrooms Buildings was in jeopardy because the NYS budget has not been passed. The grants must be used by August 31, 2001 or the money will be sent back to the pool of member items monies.

Supervisor Rood noted that previous bids for the project were rejected due to the high costs. Specifications were revised to utilize a pre-cast restroom building. As per the Town Procurement Policy, if the amount is under \$20,000, three quotes must be requested.

The following bids were received for the pre-cast Town Hall Restrooms Building:

NAME	BUILDING	DEL/SET UP	TOTAL
Lakelands Concrete	\$24,499	1,970	\$26,269
Kistner Concrete	\$25,152	4,000	\$29,152
Riefler Products	(Unresponsive)		

Supervisor Rood noted that both bids must be rejected since they were not advertised properly for bids over \$20,000. The Town Grants Consultant noted that an amendment to the grant can be made but it would delay the project.

Supervisor Rood asked for the consensus of the Town Board.

Councilman Tills commented that, so as not to lose grant money, if there is an alternative way to use those funds related to park improvement, that is definitely the incumbent thing to do.

Supervisor Rood commented that (park) property has already been purchased for \$103,000, so if the (grant) is amended to go toward park acquisition, we might be able to go with that and take \$25,000 off the purchase price.

Councilman Simmeth commented that he thinks this is a good idea.

Councilman Mead commented that Reifler Concrete and the Town Engineer determined that the bids for the building should come in under \$20,000.

Councilman Wiktor noted that we have two options. Option one is to see if it is feasible to take the grant and apply it to another area that the town is endeavoring to do. That gives a few days for Reifler to submit a bid on the restroom building. It also gives a chance for the Engineer to review the bids to see if they can be lower.

A motion was made by Supervisor Rood and seconded by Councilman Tills to reject both bids for the pre-cast Town Park Restroom Building.

five (5) Ayes Carried

Received notification from NYS Office of Real Property Services that the appointed assessor term expires September 30, 2001.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to authorize the Town Clerk to advertise for the position of Town Assessor.

five (5) Ayes Carried

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A motion was made by Councilman Simmeth and seconded by Councilman Tills, on the recommendation of Code Enforcement Officer Kramer, to approve the application for a Soil Removal Permit for Werner Blesy, 9885 Trevett Road.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of Code Enforcement Officer Kramer, Tills to approve the application for a Soil Removal Permit for Norm Nawrocki, 6383 Rice Road.

five (5) Ayes Carried

Received a request from the Boston Fire Company for use of the Boston Town Highway Department equipment and assistance in upgrading the Fire Company parking and road access.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize Highway Superintendent Kreitzbender to grant the Boston Fire Company use of the Boston Highway Department equipment and assistance in upgrading the Fire Company parking and road access with the stipulation that the work be completed within the Highway Superintendent's daily agenda so it does not conflict with his work.

five (5) Ayes Carried

Supervisor Rood commented that she, Town Attorney Perley and Bruce Shear, East Hill Water District Project Engineer, met last week with Orchard Park representatives regarding a Water District #3 agreement between the Town of Boston and Orchard Park. Requests for bids for a Hydraulic Impact Study requested by Orchard Park was sent to four engineering firms.

The following bids were received for a Water District #3 Hydraulic Impact Study:

Nussbaumer & Clarke, Inc. \$10,480 within 21 Days

R&D Engineering \$16,800 within 28 days

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to award the bid for Water District #3 Hydraulic Impact Study to Nussbaumer & Clarke, Inc. for the sum of \$10,480 and a completion date within 21 days of the receipt of notice to proceed.

five (5) Ayes Carried

Supervisor Rood commented that the article in the Buffalo News that stated that the water project would be held up for a year was incorrect. The Impact Study requested by Orchard Park can be completed in 21 days from the notice of receipt, which will be issued tomorrow, and if Orchard Park is satisfied, the project can move forward within three weeks.

RESOLUTION 2001 ? 29 PARKS ACQUISTION APPLICATION

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a bid opening for a Highway Department Grade All, Multi Purpose Excavator, for September 4, 2001 at 10:00 a.m.

five (5) Ayes Carried

RESOLUTION 2001 ? 28 OUT OF DISTRICT WATER CUSTOMER

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A motion was made by Councilman Mead and seconded by Councilman Simmeth to refer to the Planning Board for review and recommendation, an application to rezone from R-2 to M-1 for a Dental Office by Norman R. Witte for vacant land at 7615 Boston State Road.

five (5) Ayes Carried

Supervisor Rood reported that the Sprague Mobile Home Park was re-inspected on August 13, 2001 and many items have been improved.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to grant Richard and Joy Boyd a Mobile Home License for the Sprague Mobile Home Park at 8229 Boston State Road for the period 2001-02.

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor Rood reported that Clayton Schunk, Erie County Sewer Representative, was requesting that the easements be signed for the Creekside Sewer District upgrade. The project will go to bid on October 20th and after the bids are awarded, work will begin immediately.

Supervisor Rood met with a representative from Barden Homes regarding a senior housing project in Boston.

Supervisor Rood announced that Nancy Marean is the new Meals on Wheels Coordinator for Boston. The program needs volunteers.

Supervisor Rood received a letter of intent from Holly Momberger, 9000 Zimmerman Road, requesting to be an out of district water customer. Town Attorney Perley noted that the request could be granted upon his and the ECWA review and approval.

RESOLUTION 2001 ? 30 ALLOWING AN OUT OF DISTRICT WATER USER IN WATER DISTRICT NO. 2 EXTENSION NO.2

Supervisor Rood congratulated Assistant Manager Jennifer Warnes, Evans Bank, North Boston Branch, who was recently awarded the President?s Award for Superior Customer Service.

Supervisor Rood announced that the Town of Boston has been awarded an Americanization Grant through the AMVETS. The town will receive 50(3X5) and 4(5X8) U.S. flags.

Supervisor Rood thanked the Erie County Girl Scouts Program called ?Girl Power? for inviting her to speak on ?Women?s Place in the World Today?.

TOWN CLERK REPORT

Town Clerk Shenk reported that hunting licenses went on sale August 13th and Deer Management Permits are due September 7, 2001.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that Meadow Drive has been completed except for the micro sealing and Hillcroft, Colonial, Sunset and Robin Drive have also been completed on the Road Rehab Program. Several drainage projects are complete.

Highway Superintendent Kreitzbender announced that the fall Brush

Pick-up Program begins September 10th.

Highway Superintendent Kreitzbender is investigating purchasing chips for the parks.

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COUNCILMAN REPORT

Councilman Wiktor complimented the Recreation Supervisor and staff for a great job in the Summer Recreation Program.

Councilman Wiktor reported that the summer concert series is almost over.

Councilman Wiktor reported that he attended a Recreation Master Plan meeting regarding the land acquired by the town for the soccer field.

Councilman Wiktor reported that EMS and Fireman volunteers will be attending a basic emergency medical technician course and some will attend a re-certification course, a First Responder Course and a Smokehouse-Training course.

RESOLUTION 2001-31 ACCEPTING THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR
THE TOWN OF BOSTON MASTER PLAN

RESOLUTION 2001-32 REGARDING REVIEW OF THE GENERIC ENVIRONMENTAL IMPACT STATEMENT
BY THE COUNTY OF ERIE

Councilman Tills reported that he met with Adelpia President, Thomas Haywood regarding resident complaints on cable reception. Mr. Haywood resolved the complaints promptly.

Councilman Tills announced that the Adult Soccer Program began Sunday, August 5th and the turnout has been great. Twenty-three people played in 93-degree weather.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for July 2001 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICERS MONTHLY REPORT

A) Dog Control Officers monthly report for July 2001 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for July 2001 was received and is on file in the Clerk's Office.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 8:56 p.m.

DAVID J. SHENK, TOWN CLERK