

Town Board Minutes August 16, 2000

REGULAR BOARD MEETING TOWN HALL

AUGUST 16, 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.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the July 19, 2000 monthly 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 General Fund and Special District Bills on Abstract #8, dated August 16, 2000 in the amount of \$147,764.09 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #8, dated August 16, 2000, amount of \$28,718.17 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to accept the Town Clerk's Report for July 2000.

five (5) Ayes Carried

REQUESTS FROM FLOOR

Paul Alico, 5556 Northside Drive: I would like to know what is being done about the patio that the Boston Grille is building and the violations that they are continuing to impose upon the town?

Town Attorney Perley: The Code Enforcement Officer served a "Stop Work Order" on the Boston Grille, which is to stop work on any exterior addition. When I drove by this evening I saw heavy equipment pushing dirt and it is my intention to consult with the Code Enforcement Officer immediately. They are not to build anything outside or alter the use of that building without a site plan. I am aware that a door went in and the door in of itself was not subject to the site plan review. The remainder of the work is and, if need be, I will go to Supreme Court to enforce the "Stop Work Order".

Paul Alico: It is astonishing to me that no one here knows that they have been working bulldozers all day long. In addition I think the outside deck is going to be something that is not an asset to the community. I have called a couple of times about the noise and the police said the noise was not that bad. I talked to Supervisor Rood and she said they were going to try and get a decibel meter to try to measure the noise because it is hard to be subjective about the noise levels. I have to close my windows to sleep at night and they haven't started with the outside deck yet. I think the noise ordinance is very general and I think it might have to be modified.

Carol Bella, 7127 Boston State Road: Whom should we call when we know there is a "Stop Work Order"?

Supervisor Rood: Code Enforcement Officer Kramer and he would contact the Town Attorney and take the appropriate measures.

Carol Bella: Then he was aware of this Monday. While they were measuring they told him exactly what they were going to do so he was aware of it. I am just curious at what point does he have to notify the Board? After the "Stop Work Order" went into effect they went out and leveled all the stone anyway.

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REQUESTS FROM FLOOR (CONT.)

Supervisor Rood: I have had calls regarding the big party they are supposedly planning to have on the 26th. I did check with the Town Clerk and the Code Enforcement Officer about whether or not they had a permit for the two (2) banners (in front of B Kwik and by the Expressway Exchange) and they did not. The banners were taken down and they were upset about that.

Carol Bella: There is a poster in the Town Hall and one at the Hamburg Fair.

Supervisor Rood: They can put posters up and we can't do anything about what they do at the fair. There are certain restrictions we are up against before we can change any noise ordinances. That is not something that can happen overnight unfortunately. We are addressing that.

Carol Bella: For them to do this event on the August 26th, do they need a permit from the Town?

Town Attorney: It depends on what the event is. I am going to ask Code Enforcement Officer Kramer to check on their plans and depending on what they want to do, they may not be able to do what they expect. If their representations are accurate and do not require a permit we will do nothing. If their representations indicate to us that is an inappropriate use of the property under the current zoning, we will take measures to do our best to prevent it.

Carol Bella: It is going to be outdoors. When they tell you they are going to do something, can some one get that in writing? They told Code Enforcement Officer Kramer that when they were working on the side they were going to put in flowerbeds.

Paul Alico: I notified Code Enforcement Officer Kramer yesterday that they were working on the deck. He told me there was a "Stop Work Order" and that there was a daily fine going on.

Town Attorney Perley: Definitions of work and the legal definition of work are not necessarily the same thing. Somebody staking a property out is not violating anything. Depending on the level of activity and when Code Enforcement Officer Kramer checked, he might have determined it was appropriate to check tomorrow and see exactly what is going on. What I saw tonight is enough to indicate to me that we have got to go in and make sure that they understand exactly what their obligations are.

Paul Alico: Code Enforcement Office Kramer told me they couldn't physically stop this in progress, they can only fine them.

Town Attorney Perley: That is not exactly true.

Paul Alico: So in the future we can call Code Enforcement Officer Kramer?

Town Attorney Perley: You can also call the Town Clerk and me.

Supervisor Rood commented that the Town Board received two (2) letters from residents on Lower East Hill Road inquiring as to the sale of the Patchin Fire Company pumper and the purchase of a new truck. We (Town Board members) did not know the answers so the letters were referred to the Patchin Fire Company with a request to respond. Supervisor Rood thanked the Patchin Fire Company members for attending tonight.

William Schwab, Patchin Fire Company President: We received a letter to respond to letters written by residents on Lower East Hill Road.

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REQUESTS FROM FLOOR (CONT.)

James Pluta, Patchin Fire Company Chief: I have been with the Patchin Fire Company for fifteen (15) years and have been chief for twelve (12) years. These guys are the best guys I have ever been with and I am proud to be a member of the Patchin Fire Company. I would trust my life to them. I handed a letter of response to the Town Board and included copies of our response in the Southtown Citizen, the Hamburg Sun and the Southtown Journal.

James Pluta read aloud the Patchin Fire Company response to the letters received from residents on Lower East Hill Road.

Town Attorney Perley: When do you anticipate delivery of the new truck?

James Pluta: Next month. We follow FDA standards that request we have at least 3,000 gallons of water on our first response. At the fire on Lower East Hill Road we had 4,000 gallons there immediately. We are very much concerned. With any question in the future, please send your liaison to talk to us.

William Schwab: I wanted to ask Councilman Wiktor if he was aware of the fact that the response cards for our Jaws of Life, when it was originally set up the Town purchased them for us, we were to carry them and respond to any call for auto extraction within the town. If it was in our own district we would respond with a pumper and if another district, they would respond with a pumper and we would respond with the Jaws of Life. It is my understanding that both North Boston and Boston have changed their running cards excluding Patchin and the Jaws of Life on auto accidents. I was wondering if you were aware of that.

Councilman Wiktor: Yes I was. One of the reasons I was given was that the companies, instead of having the Hamburg Fire Dispatch automatically call you out, would access whether the Jaws of Life would be needed.

William Schwab: What do we do about the lost time? What about the hour window to get the patient to the hospital? What happens if Boston and/or if North Boston is at a far reach and it is going to take us ten (10), twenty (20) minutes to get there and we are not called on the first call and they are there accessing the situation?

Councilman Wiktor: Both companies have some extraction equipment.

William Schwab: What if you need the Jaws of Life? It is the Town's Jaws of Life.

Town Attorney Perley: We contract with the three (3) fire companies to provide fire service. We leave it to the companies to determine what equipment they need and what procedures they want to follow. If there is a matter between you and the other two (2) companies that you can't resolve among yourselves and you think there is a safety issue, certainly I think all three companies should sit down. Any other affected companies, if affected by the Jaws of Life service, outside the Boston Fire Protection Districts should sit down, even with Hamburg Fire Dispatch, to determine what that appropriate course is.

William Schwab: I just want to be on record if we happen to have a fatality.

Supervisor Rood: They didn't make you aware of this decision? Don't you talk about this at the Fire Council?

William Schwab: We weren't even notified about it.

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REQUESTS FROM FLOOR (CONT.)

James Pluta: Until after it happened. I didn't know if the Town Board is aware that there is actually a signed contract among the four (4) companies, including the Boston Emergency Squad, stating that we would be automatic. The Town should realize that there is a golden hour of opportunity to get a victim into a hospital and by excluding us on the first call, very minimally, you are looking at ten minutes for a unit to get on location from some other company. So you have wasted at least ten minutes and also

towing us out again, you are looking at another ten minutes so there is at least twenty minutes that is just wasted out of that golden hour. This is a copy of the signed contract. Maybe there are a lot of people who don't realize that there has been a contract since 1989. We maintain the Jaws of Life at no cost to anyone else. It costs us \$1,000 a year. So we were wondering if the town was consulted.

Town Attorney Perley: We were not consulted. We were aware. This is a matter we would prefer the fire companies sort out among themselves.

James Pluta: The Emergency Squad should be brought into it.

Town Attorney Perley: I am certain, if you feel it is necessary, that the Town Board can sit down with all the affected operations.

James Pluta: We are bringing you into it because the Town of Boston bought the Jaws of Life and is the legal owner.

Supervisor Rood: We did get a letter from North Boston and Boston Fire Companies but I thought it was an agreement between the three (3) fire companies. I would just reiterate that when we get a letter addressed to the Town Board it must be put on the agenda and read at the Town Board meeting by law. We were not trying to put anyone on the spot.

James Pluta: The fire company's point is that it would be a great thing for everyone involved to have an open line of communication and to send a liaison to us to let us know what is going on. This wouldn't have snowballed as much as it did.

Supervisor Rood: You can check the dates on the letters. We received them the day before the meeting leaving us very little time. I thought that we would give you a month to respond.

James Pluta: I think it would have been better to tell us immediately. It got out in the community and there was a lot of rumors.

Robert Vaughan, 7418 Heinrich Road: I believe these people know what they need for firefighting equipment. I don't understand the whole rigmarole of fighting against it. They sold a truck and they bought another one. They know what they need.

Supervisor Rood: Letters were sent to the Town Board and we had to put them on the agenda. We didn't know the answers so we asked Patchin Fire Company to respond and they did.

Joy Woodrow, 7600 Lower East Hill Road: No one is questioning the integrity of the Boston Fire Companies. It is wonderful to have volunteers and they are doing an excellent job. I want to set this straight. You people are to be commended for the work that you do. What was questioned was to get rid of the tanker and not have a back up. The water is the issue. Why would you get rid of the tanker and not have something right now to subsidize it? We only have 1000 gallons on the hill with no water coming our way whatsoever. Even in two years the fire hydrants aren't coming our way. Yes, a ladder truck is coming but that is not going to be

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REQUESTS FROM FLOOR (CONT.)

Joy Woodrow (cont.): able to come up my driveway and help me out. My driveway is only an eight-foot span and you can't put arms out to stabilize a ladder on my driveway. There are swails on each side of it. All we have is a 1000 gallons of water and that is gone in minutes.

James Pluta: As stated before, we owned that truck for five (5) years and it was never used at a structure fire in our district. We have plenty of trucks arriving on location with water. A pumper with a small ladder will go in the same driveway as our No. 1 truck. There is a legal limit as to how wide a truck can go. Outriggers do not have to sit on a paved driveway. She is concerned about water and so are we. Our district encompasses the hill where Lisa Rood lives (Zimmerman Rood) and until recently she didn't have any hydrants there and we didn't even have trucks on that hill and yet no one on that hill felt threatened. We do know what we are doing. There are eighteen (18) ponds on Lower East Hill Road between Cole and Omphalius that are accessible to us.

Joy Woodrow: However they are not easily accessible. You cannot drive a truck to a lot of them. You can't even get to them.

James Pluta: We can get in.

Joy Woodrow: I know that nothing could be done to save this house on Lower East Hill Road but what pond was closer to the house that burned than Buffalo Ski?

James Pluta: There is a pond on the same side of the road about three or four doors down that sits on a hill. We could have got to that one.

Joy Woodrow: Then why didn't you use that one?

James Pluta: Because the structure was lost. There was no sense in doing that. It was easier to go to the Buffalo Ski Club and fill up there and turn trucks around.

Joy Woodrow: If there was a fire tonight, where are we going to get the water?

James Pluta: I believe your house sits right across the street from the Buffalo Ski Club. I would get it out of that pond.

Joy Woodrow: But for somebody else, not my house. There are a lot of people on my street that will never have water. Where are you going to get the water from? Are you just going to use what is coming out of the ponds?

James Pluta: There are plenty of trucks around. There is Mutual Aid. That is how every fire company around here works together. Colden has three (3) pumpers that carry a thousand gallons each. That is 3000 gallons. They don't have a tanker. West Falls has two (2) trucks, a thousand gallons each. They also have no tanker. It is a normal operation procedure.

Joy Woodrow: How long does it take these other fire companies to get to the area? How long would it be before you would be looking for more water? You got rid of 4000 gallons.

James Pluta: This is how it is handled. This is how it is taught. We have gone through plenty of schooling.

Peter Walter, Patchin Fireman: When I joined the Patchin Fire Company in 1971, on that hill we had 700 gallons of water. Mutual aid was very slim. We never lost a house. Right now we have a truck up there with 1000 gallons of water. Ninety-nine REGULAR BOARD MEETING TOWN HALL

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REQUESTS FROM FLOOR (CONT.)

Peter Walter (cont.): percent of the fires we can put out with 350 gallons. As far as us being negligent, I live on that hill. I am on the truck committee. I voted to sell the tanker. I voted to buy a new one because it was better for the hill. I would never jeopardize that hill. I got peeved when people treat fireman like we've been treated. We are not here to fight. We are here to stand up for ourselves and for what we believe in. Those letters were received and in all probability were at the agenda review.

Town Clerk Shenk: On July 17, 2000 I received one in the mail drop box and one late in the afternoon.

Peter Walter: This Board had time to call Albany and see what they could do about cutting aid to us but they didn't have time to call us?

Supervisor Rood: I will clear that up right now because I spoke with Jenny Doran who wasn't at the meeting. She is the reporter for the Sun and the Springville Journal and I found that out at a later time. We didn't have that information then.

Peter Walter: Well we should have had that information immediately at the agenda review if not sooner.

Supervisor Rood: I didn't want to put you on the spot and ask you to come the very next day.

Peter Walter: But there was time to call the State Comptroller and see if you could cut aid.

Supervisor Rood: I am sorry. That was after the meeting on Wednesday and after the Town Clerk was directed to send a letter.

Peter Walter: But that is what was in the paper.

Supervisor Rood: Right and I spoke to her (Jenny Doran) days after the meeting because she could not be at the meeting. Jenny do you recall when I spoke to you?

Jenny Doran, Reporter Hamburg Sun & Springville Journal: The following week.

Peter Walter: And we still hadn't been notified. The day of the Hillfest, Patchin was there helping the Town out. Nobody said a word to us. We found out when somebody read it in the paper.

Town Clerk Shenk: The meeting was Wednesday and I mailed the copies of the letters to Mr. Pluta on Friday after the meeting.

Peter Walter: He received notification prior to the Hillfest?

Town Clerk Shenk: I mailed them on Friday. I don't know when he received his mail.

Peter Walter: Again, we would never jeopardize anybody's home. I feel we deserve an apology as to why we weren't notified.

Supervisor Rood: I would apologize if I made the wrong decision as to recommending that we send the letters to you and give you time to address them. I am sorry. I thought that you would feel that you were being put on the spot by only giving you a one day notice. If that is the case I do apologize for making the wrong decision.

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REQUESTS FROM FLOOR (CONT.)

Debbie Morin, 7744 Lower East Hill Road: I wrote one of the letters and I want to apologize for making this big commotion. I have the utmost respect for the fireman. The Springville Journal made it look like I blamed them for the fire on our road. At no point did I accuse them of using bad judgement or not doing what they were supposed to as far as that fire. It is very scary to live on a road where there is no water. It was my mistake to send that letter the Town Board because I had no idea who was responsible or what the regulations were as far as equipment, trucks, water or whatever. I am sorry I sent it to the wrong place. I wrote the letter to ask a simple question, if there was a fire would I be protected by water?

Joy Woodrow: I would have never known enough to contact the Patchin Fire Company to ask what happened. I would have thought they would have notified me if they were changing over. I would have felt better if the replacement had been there before they sold the tanker. If there was communication between us none of this would have happened. Doesn't the town know what is going on with these fire departments before things are done?

Supervisor Rood: They don't have to inform us of what equipment they are buying or selling.

Town Attorney Perley: Pursuant to the provisions of the Town Law, when you have a Fire Protection District, the Town Board is responsible to obtain fire service. They do this by way of a contract with the companies. Tradition is that we contract with the company for a period of three (3) years, which is provided by law. The contract provides that the companies will provide fire service and equipment but leaves to their discretion and planning the means and methods by which they address their responsibility. From time to time we hear of their plans and sometimes we don't. We do have a liaison

that remains in contact with the fire companies and brings issues to the Town Board's attention that he is aware of.

James Pluta: The Patchin Fire Company has been in operation since 1908 and there have been many changes. We cannot remember when we went to the Town Board and told them what we were doing with our trucks. The Town Board has always entrusted us to do what is best for the town. That is our business. That is what we go to school for and dedicate our lives for.

Town Attorney Perley: We defer to the fire companies ability and training.

James Pluta: I think people have to realize that these trucks go out of service also. Several years back our tanker went out for warranty work for about three months. We had no problem. A couple of years ago we had a problem with our pumper in the valley. The only one. It was out for over two months. We rely on Mutual Aid. This happens all the time and we cover each other. In 1988 when the Patchin Road Bridge was redone, the County put a temporary shelter for us over there and all we had was a 250 gallon pumper for a whole year. We serviced that whole hill and we had no hydrant. There wasn't one problem and no one complained of a lack of fire protection. Every town does that. I think Councilman Wiktor can back me up because he goes to the Council meetings.

Councilman Wiktor: How many companies Mutual Aid with Patchin?

James Pluta: Boston, North Boston, Colden, Hillcrest and East Eden. Hamburg and Orchard Park will come out also. That's approximately twenty thousand (20,000) gallons of water at once.

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REQUESTS FROM FLOOR (CONT.)

James Brockman, Patchin Fireman: Not as a Patchin Fireman but as a member of the community on the Jaws of Life. Patchin fireman do not mind responding to every call. We want to respond to every call to help the community.

Supervisor Rood: Chief Pluta you are going to set up a meeting with the other two fire companies?

James Pluta: Yes.

PROCLAMATION ? NUTRITION PROGRAM

Supervisor Rood and Councilman Mead presented award certificates to the Boston Nutrition Program Volunteers.

Supervisor Rood commented that the Soil Removal Permit Application of Anthony Bernardi, 6385 Willow Drive, has been amended. The amount to be excavated has been decreased to 600 yards per year and there is only one site.

Town Attorney Perley recommended that the Town Board table the Soil Removal Permit Application of Anthony Bernardi, 6385 Willow Drive, until Code Enforcement Officer Kramer has had an opportunity to inspect the site and is comfortable with the application.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to table the Soil Removal Permit Application of Anthony Bernardi, 6385 Willow Drive to the next Town Board meeting.

five (5) Ayes Carried

Received and filed a recommendation of approval from the Traffic and Safety Committee for resolutions 2000-25, 2000-26, 2000-27.

RESOLUTION 2000-25 LOWER SPEED LIMIT TREVETT ROAD

RESOLUTION 2000-26 LOWER SPEED LIMIT EDDY ROAD

RESOLUTION 2000-27 LOWER SPPED LIMIT HILLCROFT DRIVE

Supervisor Rood read a Town of Boston EPF Application Description for funding from the Environmental Quality Bond Act for the acquisition and development of parkland.

RESOLUTION 2000-28 ACQUISITION AND DEVELOPMENT - PARKS GRANT

RESOLUTION 2000-29 POW/MIA FLAG

RESOLUTION 2000-30 STOP DWI PROGRAM

Town Attorney Perley commented that after approval by the NYS Comptroller, Water District No. 3 went into the final design phase. It was determined that, based upon the marked difference in elevation between the proposed tank site and the proposed site for the pump station, there would be an inordinate amount of static water pressure at the point of the pump site. The first problem would be a substantial load on the pump and the static pressure when coupled with the increase of pressure generated when the pump turns on that would potentially compromise the integrity of the water line. As a result the engineers have proposed a two (2) zone system that will require an increase of approximately ten percent of the projected cost, a preliminary estimate of about \$400,000. In order for this to be approved, a new application must be filed with the Comptroller. The application will incorporate the prior application and indicate the additional expense and provide an estimate of the first year cost to the

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Town Attorney Perley (cont.): average household of approximately \$40 per year. The Comptroller will assess the need for water and the financial capability of the district and determine whether or not the increase would constitute an undue burden, which is the same test as applied previously. Upon approval, the Town would begin formal proceedings to increase maximum amounts to be expended and

would hold a Public Hearing. Resolution 2000-31 authorizes the Supervisor to execute the application to increase the maximum amount to be expended.

RESOLUTION 2000-31 INCREASE MAXIMUM EXPENDITURE

FOR WATER DISTRICT NO. 3

Supervisor Rood commented that the portion of the project that will bring water to Chestnut Ridge Road and the side streets is going forward and will be put out to bid in September.

Town Attorney Perley commented that the engineers decided that the Water District #3 project would be in two parts. The first part would be the Chestnut Ridge/Ward Road line, which operates off the Ward Road tank and does not involve the construction of a pump station or tank. This portion is going forward. The remaining portion of the project was going to be built over the next year and substantial delays are not anticipated.

RESOLUTION 2000-32 ISSUANCE OF SERIAL BONDS, TWO (2)

FORD HIGHWAY TRUCKS & RELATED EQUIPMENT

On August 8, 2000 a referendum vote was held for Creekside property owners to vote on transferring Town of Boston Sewer District 2 to Erie County. The vote was 78 ?Yes? and 0 ?No?.

RESOLUTION 2000-33 TRANSFERRING SEWER DISTRICT #2 TO

ERIE COUNTY SEWER DIST #3

Donald Wesp, 5589 Northside Drive: When the district is turned over to the County will you let us know when it happens? I will assume that when we have problems, we would contact the County.

Town Attorney Perley: The line from the lateral to your house remains your responsibility and for other problems you would contact the Erie County Sewer Authority. The Public will be notified when the formal transfer of assets is accomplished.

Received a recommendation of approval from the Planning Board (with an attached list of uses deemed appropriate for the area) for the rezoning request of Gary Eckis, Boston Hill LLC, for the N.E. quadrant at the Rice Road Interchange of the 219 Expressway.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to schedule a Public Hearing on October 18, 2000 at 7:45 p.m. for the R-A to C-2 rezoning request of Gary Eckis, Boston Hill LLC, for the Northeast quadrant at the Rice Road Interchange of the 219 Expressway.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to refer to the Planning Board a site plan review for Evans National Bank, 7205 Boston State Road.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to grant Marian Wack permission to use the Lions Shelter on August 20, 2000 for a graduation party.

five (5) Ayes Carried

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A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon the approval of Highway Superintendent Kreitzbender in cooperation with the Parks Department, to grant Michael McCloud permission to stain the shelter and tables at the South Boston Park as an Eagle Project for Boy Scouts.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Rood to refer to the Planning Board a request from Charlap's Dairy Farms, Inc. for a variance to use a temporary rental trailer at 7254 Boston State Road.

five (5) Ayes Carried

SUPERVISOR REPORT

A) Supervisor monthly reports for June and July 2000 were received and are on file in the Town Clerk's office.

Supervisor Rood commended the Hillfest Committee on a wonderful 2nd annual event.

Supervisor Rood reported that the water lines are in on the Eiss Hill water project. Residents will be able to tap in upon Health Department approval of the water.

Supervisor Rood reported that the Emergency Squad sidewalk has been completed.

TOWN CLERK REPORT

Received and filed a Local Government Records Management Improvement Fund Final Narrative Report regarding a Disaster Preparedness Plan from Records Management Officer Shenk.

Town Clerk Shenk reported that the Deer Management Permit application deadline is Friday, September 8, 2000.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Councilman Simmeth and seconded by Councilman Mead to authorize the Highway Department to schedule a special brush pick-up beginning Monday, August 21, 2000.

five (5) Ayes Carried

Highway Superintendent Kreitzbender reported that the CHIPS project is completed and the paperwork will be sent in to NYS for a \$34,000 reimbursement.

Highway Superintendent Kreitzbender reported that benches have been installed behind the Emergency Squad at the Bocce Court.

Robert Vaughn, 7418 Heinrich Road: A dump truck spilled oil or kerosene on Heinrich Road. How will this be repaired?

Highway Superintendent Kreitzbender: I was notified the next morning and I contacted the responsible company and they evaluated the situation. It hasn't damaged underneath the new pavement. It raised oil to the surface, which makes it look slippery. When it is sealed this week it will take care of the problem. The company recommended sanding the road which we did two or three times.

TOWN ATTORNEY REPORT

Town Attorney Perley received a written appraisal from Ganey Real Estate Agency regarding land acquisition for Water District #3 and will consult with Town Board members.

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TOWN ATTORNEY REPORT (CONT.)

A motion was made by Councilman Mead and seconded by Councilman Wiktor to schedule a Public Hearing for Local Law #2 of the Year 2000, on September 20, 2000, a Local Law to amend various chapters of the Boston Town Code with the purpose of incorporating a schedule of fees.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a Public Hearing for September 20, 2000 at 7:50 p.m. for Local Law No. 3, of the Year 2000, a Local Law to Establish a Unified Schedule of Fees for the Town of Boston.

five (5) Ayes Carried

COUNCILMAN REPORT

Councilman Wiktor commended the Hillfest Committee on a good job and reported many residents complemented the fireworks.

Councilman Wiktor reported that the North Boston Fireman will have an Immediate Fire course in September and all volunteers of neighboring communities are invited to attend.

Councilman Wiktor reported that the County is currently in the mode of developing an 800-mega-hertz radio band for all emergency vehicles. This proposal began a few years ago and the stumbling block has been cost. Motorola Corp. will purchase all of the old radio equipment to offset the cost of the new equipment.

Councilman Wiktor reported that the EMS responded to nineteen (19) calls during the month of June. Boston and North Boston Volunteer fire Companies responded to five (5) calls and Patchin responded to four (4) calls.

Councilman Wiktor reported that at the Fire Council meeting the Southtowns ATV Response Team (STAR), Volunteer Hamburg Fireman with ATV's, put on a presentation. They have four (4) ATV's and a pickup truck with a trailer completely equipped which can be hooked up to an outside electrical power line. Using the GIS system in case someone is lost or injured in the woods they can connect with the sheriff's helicopter. The Boston Fire Company is considering having two (2) ATV's with similar capabilities. This would be used for the servicing of medicines to people in winter when roads would be difficult to travel.

Councilman Wiktor congratulated the Boston Free Library and the librarian and staff who recently tied for third place in a Buffalo and Public Library "Battle of the Books".

Councilman Wiktor reported that Charlap's Dairy, Inc. and Tony's Pizzeria in Town has experienced a changeover in ownership. Both businesses have always supported the community.

Councilman Simmeth reported that he met with NYS DEC representatives today regarding the trout stocking of Eighteenmile Creek. They tested the creek behind the Town Hall and behind the Highway Barn to determine if this is a worthwhile program. Approximately one thousand (1,000) feet of creek was tested and eighteen (18) different types of fish are in the area. The senior biologist noted that if the program was put in place there would probably be an eight (8) week season and the Eighteen Mile Creek would be labeled as a "Put and Take Stream". If approved, the paperwork should be completed in October and sent to Albany. The Boston Town Board will make the final decision.

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COUNCILMAN REPORT (CONT.)

Councilman Wiktor noted that at a recent Erie County Sportsman Federation meeting it was mentioned that there is a certain landowner along Eighteen Mile Creek road who will not allow trout ladders to be put in to allow the various types of fish to come into the Eighteen Mile Creek. The DEC has determined that they could bypass his property.

Councilman Tills thanked all the different groups involved in the Boston Hillfest.

Supervisor Rood announced the Hillfest Committee is hosting a "Thank You Party" for the sponsors and volunteers on August 17, 2000 at 7:30 p.m. in the Town Hall Community Room.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for July 2000 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officers monthly report for July 2000 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for July 2000 was received and is on file in the Clerk's Office.

A motion was made by Councilman Tills and seconded by Councilman Mead to adjourn the meeting at 9:25 p.m.

DAVID J. SHENK, BOSTON TOWN CLERK