

## Town Board Minutes August 7 , 2002

REGULAR TOWN BOARD MEETING      TOWN HALL

AUGUST 7, 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.

Received a proposal from TVGA Consultants for engineering services for the West Tillen, Boston State, Boston Colden Roads Flashing Signal for the following fees:

Topographic Survey & ROW determination	\$3,800
Mapping, Design Plans & Bid Documents	\$4,700
Biding & Contract Administration Services	\$3,600
Resident Insp.(pt hourly estimate 24 hrs)	\$ 55 hour

Town Attorney Perley noted that Town Engineer Harris reviewed and approved the TVGA proposal for the Flashing Signal.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to accept a proposal from TVGA Consultants for engineering services for the West Tillen, Boston State, Boston Colden Roads Flashing Signal.

five (5) Ayes      Carried

Received Amendment #1 to Lease No. L008480 between the Town of Boston and the NYS Police for a one year extension on lease of Police Barracks, 8550 Boston State Road, to September 30, 2003, subject to a sixty day termination period.

Town Attorney Perley noted he reviewed the lease for the NYS Police Barracks, 8550 Boston State Rd and has no legal objection.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize the Supervisor to execute Amendment #1 to Lease No. L00840 between NYS Police and Town of Boston for 8550 Boston State Road, to terminate on September 30, 2003, subject to a sixty day termination period.

five (5) Ayes Carried

Received a Public Improvement Permit Application from Vinwell Construction, Inc. for Hickory Meadows Subdivision ? Phase 2A.

Town Attorney Perley noted he has no objection and that Town Engineer Harris reviewed the PIP application from Vinwell Construction, Inc. for Hickory Meadows Subdivision ? Phase 2A and determined that the Town Board may act upon the application subject to the stipulations that final design, construction drawings, and schedules be submitted for Town Engineer approval and agreement between the Town Engineer and Developer on site inspection during construction.

Councilman Mead added the stipulation that the Highway Superintendent be involved with the PIP ? Hickory Meadows Subdivision ? Phase 2A, Vinwell Construction, Inc.

A motion was made by Councilman Simmeth and seconded by Councilman Edington to approve an application for a Public Improvement Permit for Hickory Meadows Subdivision ? Phase 2A for Vinwell Construction, Inc., subject to the stipulations that final design, construction drawings and schedules be submitted for Town Engineer approval and agreement between the Town Engineer and Developer on site inspection during construction, and involvement of the Highway Superintendent.

five (5) Ayes Carried

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Town Attorney Perley commented that Erie County Department of Environment and Planning is agreeable to the Town Board accepting but not adopting a Master Plan as a guide to future development due to the fact that the Town of Boston is a community that is subject to significant development.

RESOLUTION 2002-39 ACCEPT THE PETER J. SMITH & COMPANY

MASTER PLAN

A motion was made by Councilman Simmeth and seconded by Councilman Edington to adopt minutes of the July 10, 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 fund bills on Abstract #8, dated August 7, 2002 in the amount of \$146,024.67 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff's Report for June 2002.

Received and filed notification from Governor Pataki of receipt of a copy of Resolution 2002-24 adopted by the Boston Town Board.

Referred to Councilman Edington, Chairman of Solid Waste Committee, a request from Modern Disposal Services, Inc. to review the Town option to re-bid the Refuse Collection contract due to expire December 31, 2002.

Town Attorney Perley requested Town Clerk Shenk forward copies of the 1999 Refuse Collection contracts to him.

Received and filed a Notice of Petition from NYS Electric & Gas.

Town Clerk Shenk noted a copy of the NYSEG Notice of Petition was forwarded to the Town Attorney and the Town Assessor.

Town Attorney Perley commented that the NYS Electric & Gas Petition, with regard to the Special Franchise Assessment, is a matter primarily between the State and NYSEG and upon review, if there is local involvement, he will inform the Town Board.

Received and filed notification from NYS DOT of completion of Pavement Repairs and Shoulder Sealing on Route 219.

Received and filed notification from Mariano's Pizzeria and Restaurant, 8163 Boston State Road, of a Liquor License renewal.

Received and filed a Notice of Complaint from Samuel Magavern II and Monica Angle, 9120 Rockwood Road, vs. Town of Boston and Wayne Kreitzbender.

Town Clerk Shenk noted the Notice of Magavern and Angle Complaint was forwarded to H&V Risk Consultants and Town Attorney Perley.

## REQUESTS FROM THE FLOOR

Sharon Koestler, 5092 Shero Road: I own the Boston Grille with my brother Kevin Kelly. After receiving the letter about Proposed Local Law No. 4, (Establish a Special Permit Requirement for Employment of Live Entertainment at Eating or Drinking Establishments) we have a petition, ?We the undersigned patrons of the Boston Grille, North Boston, NY do protest and condemn the proposed enactment of Boston Town Local Law #4 which unfairly limits the abilities of local businesses, this establishment in particular to have live entertainment on their premises. We believe that this proposed law is directed at the Boston Grille in REGULAR TOWN BOARD MEETING TOWN HALL

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## REQUESTS FROM THE FLOOR (cont.)

Sharon Koestler (cont.): an attempt to limit their ability to serve us, their clientele. Most of us are town residents and patronize this establishment due to the fine food, enjoyable musical entertainment and friendly family atmosphere. We understand there has been a restaurant type establishment on this property since the early 1900?s so the idea that live entertainment would be a nuisance to surrounding residences is ludicrous, obviously surrounding homeowners understood that their homes were next to predecessors of this establishment when they moved in and therefore can have no complaint (said: have no right to complain). We wish to make it publicly known that we oppose the enactment of the above referenced proposal and will to the best of our abilities oppose any elected official who supports it in any form. We will make this abundantly clear at the voting booths in the fall. We are diametrically opposed to Local Law #4! There are over two hundred (210 actual) names on this petition and there are still petitions out.

Town Clerk Shenk accepted the petitions.

Sharon Koestler: I, as a business owner, bring a lot of people from Orchard Park, Springville, West Seneca, Cheektowaga, Collins and Boston. You are limiting my ability to do business. I pay more taxes on my building than the people do around that area. Everyone on this Board knows the problems we?ve had with our neighborhood. The closest neighbor has no complaint. On February 1st the guy across the street complained about the men?s bathroom fan running. On September 15th the State Police were over for a complaint of loud noise and we weren?t even open. Lisa Rood came out at 2:00 in the morning and knocked on a neighbor?s door. I have had this going on for years and now you come along

with this. You have told us nothing about how much this is going to cost. I already pay ASCAP and Music Choice and now you are going to inspect my establishment. What are you inspecting it for? I also pay the State \$100 to inspect my establishment. The State overrules the Town so what am I paying you for?

Supervisor Eagan commented that he will let Sharon Koestler continue after the Public Hearing is convened.

At 7:45 P.M. a Public Hearing was held to hear public comments regarding Proposed Local Law No. 4 of the Year 2002, entitled, "A Local Law to Establish a Special Permit Requirement for the Employment of Live Entertainment at Eating or Drinking Establishments."

Supervisor Eagan read the legal notice.

Sharon Koestler: You have given us no idea as to what this is going to cost the local businessperson. There are four of us in this town so you are affecting four businesses that bring in many people in the

area. They might come to my  
establishment to have dinner  
and maybe go to Nickey Charlaps  
to have an ice cream afterwards  
or they might come into listen  
to music that night and on the  
way home pick up a gallon of

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Public Hearing (Cont.):

Sharon Koestler (Cont.): milk at Mobil and get gas. It is all relative of what we need to bring into this community and we need business. We need you to support us, as business owners and we are willing to work with you but to come in and say that you are going to look at my establishment when I have all residents surrounding me, I find it being unfair. I have nothing else to say at this time. I wish for you to look at it and think what you are going to do before you try to put this to vote.

Dylan Mattina, 5502 George Drive:      I come before you today respectfully, adamantly, opposed to the proposition for Local Law #4. I believe as Mrs. Koestler has stated, it does limit the ability to do business within our town. As we all know right now is not a time to be driving people out of our town. It is a time to be bringing people in to spend their dollars, to come to the Town of Boston for their entertainment. I bring my family often to the Boston Grille for the great food, live music and obviously their friendly atmosphere. I am opposed to this because I do believe that it limits their ability to provide entertainment for the clientele. I don't like having to go to the city of Buffalo or Cheektowaga, West Seneca, Orchard Park or where have you to enjoy myself and hear some live entertainment. I like music. I enjoy it. I like to go on a date with my wife and enjoy live music. I think this proposal is limiting not just my dear friends business here but businesses at large that might want to provide more and broader scales of entertainment for the residents of the Town of Boston. Again I am adamantly opposed, my name is Dylan Mattina, please reconsider this action.

Donna Huson, 7104 Boston State Road: I was wondering if the proposal was going to include karaoke and live mike? I did not see anything like that listed in the proposal.

Town Attorney Perley: In my opinion that would constitute live entertainment because there would be amplification of a live performance.

Tony Needell, 7123 Boston State Road: I would like to speak on behalf of this ordinance. I am not a lawyer but it looks like the town has drafted a very fair ordinance that both gives the business an opportunity to apply for a permit and have live entertainment. I don't read that live entertainment is banned. At the same time it provides an opportunity for entertainment to meet a certain community standard that the Board would determine. I think that you have done a good job in drafting this and certainly hope that you pass it. By the way, those of us who live in the neighborhood vote as well. We do have the right to speak up and express our opinions. I would also like to point out that my wife's family has lived on this property for at least three generations. I don't think there was even rock and roll music and amplifiers at the time that we began living there so I think maybe we do have a right to express our opinion.

William Balus, 7106 Boston State Road: I live three houses down opposite the street from Boston Grille. At times with the music they have now and the volume they run it at is probably the main problem because I can't even hear my TV in my living room three houses down opposite the street. To me that is loud. So your proposal is to control the volume of the music that is played for karaoke. I can hear the karaoke singers better than I can hear my own TV. I think that is not fair to the people in the area and the people that do go to the bar, I guarantee there is nobody that lives around me that goes to that bar, and the ones that do all leave town. They don't mind the music, they don't mind the partying because they are enjoying themselves at someone else's expense.

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Public Hearing (Cont.):

Arlene Weiss, 7098 Boston State Road: I was born across the street from this so we've seen all kinds of business there and I have no problem with the business being there. It depends on how it affects the

neighborhood. There is quite a few widows living in the neighborhood. I am sure at the other businesses there are people who want to sleep at night. There have been businesses there that have caused absolutely no problem with people sleeping. I have quite a few things with people coming out of bars drunk. I know this doesn't apply to the noise thing but it depends on the clientele it might bring in. I have no problem with the business. I have a business myself. It's how it affects people around you.

Debbie Kubiszyn, 7102 Boston State Road: When we moved in, the Boston Grille was not there. It was the Boston Garden, which was a very nice quiet restaurant. Our house literally shakes at night. We've gotten a new roof, new siding, and new windows and our house still shakes at night. The only time that we can sleep when they have music is when we have our room air conditioner going full blast. We also have a two-year-old son who is often awakened by the motorcycles and loud cars that come out of the Boston Grille. I would also like to add Mr. Eagan that I believe that part of the reason that you were elected was Lisa Rood's refusal to do anything about all the complaints and we appreciate that you are trying to pass this ordinance.

Sharon Koestler: As the petition stated I do believe that this is geared toward the Boston Grille. We had a decibel reading done at our establishment and we have submitted those papers to you so you can see that we were well within the limits. Traffic noise is much louder than anything coming out of the back restaurant area or the bar area.

Heidi Monin, 9368 Boston State Road, Owner of Olde Liberty Tavern:

I understand what is going on here but it sounds like it is all coming from one bar and one neighborhood and you are trying to enforce it to all the restaurants in this town. I don't understand that at all. We have a band maybe four times a year and now we have to pay a permit every time we want to have a band? That makes no sense. I don't believe that anybody should pay a permit but it sounds like there is a problem in that neighborhood not in the whole town. I don't feel that every establishment that has eating and drinking should be punished for this.

Susan Koestler: Once this law, if it does come into effect, at any time you can make amendments to this law, is that correct? With no voting?

Town Attorney Perley: Any amendment to any Local Law requires a Public Hearing.

Susan Koestler: But not a vote?

Town Attorney Perley: Yes, the same way we are doing it tonight. Every time.

Mike McKlean, 3800 Old Milestrip Road, Blasdell: I am not only a patron of the establishment but I play in a local band. I understand complaints of the neighborhood. Noise is a funny thing because how you interpret it is kind of funny. A whisper could actually bother somebody. I've lived in a farming community for many years where farmers get up and go to work in the morning and they drive their tractors right down your road or right behind your house and they till the fields. People have to make a living and as businessmen I think sometimes it is very difficult to be able to deal with such things because farming is more understood and people understand that farmers are going to have tractors and tractors are going to make noise. If you live next to a farm

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Public Hearing (Cont.):

Mike McKlean (Cont.): there are going to be cows and cows make noise all night. You can live a couple feet away from such establishments and not really much is said because most farmers help out their neighbors. In the Town of Boston which I know there is a lot of farming here, they are a business and to try to put an ordinance on such things would be unfair because it is biased against certain particular businesses when there are other businesses that make noise. Sometimes not at night but if you were to do a decibel reading next to establishments where the complaints are generated from and it is over excessive, that is when something should be done.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to close the Public Hearing at 7:59 p.m.

five (5) Ayes      Carried

At 7:59 p.m. a Public Hearing was

held to hear public comments  
regarding Proposed Local Law No. 5  
of the Year 2002, entitled, "A  
Local Law to Amend Local Law No. 9  
of the Year 1990, Regarding the  
Installation of Storm Sewer Pipe  
in Open Drainage Ditches.

Supervisor Eagan read the legal  
notice.

Donald Wesp, 5589 Northside Drive:

My only question is what is it?

I received a letter in the mail  
explaining about the previous  
hearing but I am asking, what are  
we talking about?

Town Attorney Perley: We have  
found in recent years that the  
occasional practice of having the  
Highway Department install storm

drainage pipe in our open ditches on town roadways has become much more common. In consultation with the Town Engineer and due to the fact that we have experienced difficulty on certain town roads where these ditches have been largely piped, we determined that it was appropriate to establish a standard specification for the installation of the pipe so we can coordinate the pipe installation among the households that ask for it and continue to provide proper drainage. The only way to invoke the

construction specifications is to include it as part of the Public Improvement Permit process which now gives us an orderly process by which we can accept a request, make a determination on the appropriate type of installation to make, make that installation, and potentially in certain situations look at a request, not only in terms of that property owner but in terms of the adjacent property owners and determine whether or not it is in everybody's best interest to install a pipe. We have run into drainage problems. We have a confronting drainage problems throughout the town. In the Creekside Subdivision these drainage problems have been there for a long time. This is one of our ways of getting a handle on that part of the drainage system within the town.

Donald Wesp: With expenses I understand years ago you might have gotten requests two or three times a year to put something in and now we are getting twenty-thirty a year maybe?

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Public Hearing (Cont.):

Town Attorney Perley: I'd have to ask the Highway Superintendent or we'd have to look at our records. We are getting many more than we used to get.

Donald Wesp: How many of those requests are coming from property that is five years old or newer?

Town Attorney Perley: We get some from there that I am aware of. We get many from other areas too. People now want to be able to mow all the way to the street. It is not that simple. The most efficient drainage system is an open ditch.

Donald Wesp: If this is something that we've done for years and now we basically want to stop it or put a charge to it, I'm wondering how many ditches are we filling in for new contractors building new homes? That would be a concern of mine.

Town Attorney Perley: I can assure you, none.

Supervisor Eagan: Even in the past, the residents would buy their own pipe. The Town never bought the material.

Donald Wesp: You have to understand Mr. Eagan, you're talking to a guy who probably spent more time sleeping in this town than most of the people up here have lived in it.

Town Attorney Perley: Just so the record is clear, when a Developer proposes a subdivision in the town, they submit a drainage plan and install the drainage system according to their plan. The town does not participate in that. It is the Developer's responsibility.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to close the Public Hearing at 8:06 p.m.

five (5) Ayes Carried

Referred to Town Attorney Perley a request from Erie County Legislature Swanick for Town adoption of a Resolution on Agricultural Assessments.

A motion was made by Councilman Wiktor and seconded by Councilman Edington to grant Barbara and Robert Loftus permission to use the South Boston Park for a family reunion. A Certificate of Insurance and a \$50.00 deposit was submitted.

five (5) Ayes Carried

Received an Inspection Report from Deputy Code Enforcement Officer Lisowski regarding property owned by Gerald Mazur, 6449 Willow Drive, declaring the deck an unsafe structure and recommending

removal. Also noted was an unregistered vehicle that must be removed. A Cease and Desist Order has been issued.

Town Attorney Perley commented that pursuant to the Unsafe Building Law in the Town Code, the Town Board could institute a demolition proceeding pursuant to the Deputy Code Enforcement Officer report.

RESOLUTION 2002-40 ORDERING REMOVAL OF CERTAIN STRUCTURES

OWNED BY GERALD MAZUR(SBL# 226.02-3-14)

Received an Inspection Report from Deputy Code Enforcement Officer Lisowski regarding property owned by Kevin and Susan Kamuda, 9424 Boston State Road, declaring the barn an unsafe structure and recommending removal.

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Town Attorney Perley commented that pursuant to the Unsafe Building Law in the Town Code, the Town Board could institute a demolition proceeding pursuant to the Deputy Code Enforcement Officer report.

RESOLUTION 2002-41 ORDERING REMOVAL OF CERTAIN STRUCTURES OWNED BY KEVIN & SUSAN KAMUDA(SBL# 258.09-1-21)

Received a request from Erie County Department of Environment and Planning to appoint an Affirmative Action Officer.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to appoint Town Clerk Sherk as the Affirmative Action Officer for the Town of Boston, term to expire 12/31/03.

five (5) Ayes Carried

Town Clerk Shenk invited Town Board members to attend the next Affirmative Action training session with him.

Referred to Town Attorney Perley an acknowledgement from Nancy L. Butts, 6540 Hillcroft Drive, granting the Town of Boston an easement to access her property for the installation of a culvert pipe. Also noted is the fact that a neighbor had the installation of a culvert pipe at no expense. Another concern cited is the increased amount of runoff causing damage and erosion from the significant increase in development on the road.

Town Attorney Perley commented that the Town right-of-way does not extend to include the entire ditch at 6540 Hillcroft Drive. The Town requires a permanent easement to install a culvert pipe in the ditch. The Town Engineer will do the engineering work to accommodate the intense water flow in that area. The homeowner will incur the routine expenses that all homeowners incur.

Received a request from Tracy Hirsch, 8171 Cole Road for appointment as an alternate on the Zoning Board of Appeals.

Town Clerk Shenk scheduled an interview with Tracy Hirsch for the ZBA appointment request for September 3, 2002 at 7:00 p.m.

Town Attorney Perley commented that two years ago the Town of Boston took title to Hickory Meadows Drive and Pearl Street in the Hickory Meadows Subdivision. Issues have been raised as to the status of the underground storage rights of National Fuel Gas. National Fuel Gas has requested that the Town release the storage rights three thousand feet beneath road surface of the road areas.

Town Attorney Perley has no objection to the request and noted that this is subject to a permissive referendum and a notice has been prepared for publication.

RESOLUTION 2002-38 AUTHORIZING THE RELEASE OF SUBSURFACE

NATURAL GAS STORAGE RIGHTS

Received a letter from Town Attorney Perley confirming review and no legal objection to the purchase offer prepared by Clark Trow on behalf of Kenneth Myszka for the Town's consideration in acquiring vacant land on Cole Road (SBL#212.00-2-1) for the Water District #3 Pump Station.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of Town Attorney Perley, to authorize the Supervisor to execute a contract on behalf of the Town for the purchase of vacant land on Cole Road (SBL#212.00-2-1) to the Town of Boston by Robert, Jeffrey, Kimberlee, and Kevin Myszka for the Water District #3 pump station, for a sum of \$26,700.

five (5) Ayes Carried

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RESOLUTION 2002-37 LOWER SPEED LIMIT ON ROCKWOOD ROAD

RESOLUTION 2002-35 LOWER SPEED LIMIT ON BOSTON CROSS ROAD

RESOLUTION 2002-36 DAVID FINGER MEMORIAL FIELD

Supervisor Eagan noted that the athletic fields have always been a field of dreams, past, present and future for many life long residents in this community and that he hopes consideration is shown in preparing this year's budget to spruce up the ball diamond to reflect the memory of David Finger.

Councilman Simmeth directed Town Clerk Shenk to forward a copy of Resolution 2002-36 to Erie County Legislator McCarville, Senator Volker, Assemblyman Smith, and Congressman Quinn.

Received a request from Justices Bender and Tills for a transfer of \$1,000 into the Justice Court account for contractual expenditures.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to approve the following General Fund Transfer of Appropriations:

Appropriation A960     \$1,000

FROM: Contingency Acct.     A1990.4     \$1,000

Appropriation A960     \$1,000

TO:     Town Justice Contractual     A1110.4     \$1,000

five (5) Ayes     Carried

Received a Planning Board recommendation of approval of the application submitted by Sharco Enterprises for topsoil screening at 6752 Mill Street contingent on strict adherence to the newly added ?topsoil? section of the Boston Town Code, specifically: Chapter 123, Section 71, Subsection B, Paragraph 5.

Councilman Mead noted the Planning Board requested the Town Board inspect the Sharco property. A tentative date for inspection will be set subject to the Code Enforcement Officers availability.

A motion was made by Councilman Edington and seconded by Councilman Simmeth to schedule a Public Hearing for September 4, 2002 at 7:45 P.M regarding a request from Sharco Enterprises for a Special Use Permit for topsoil screening at 6752 Mill Street.

five (5) Ayes     Carried

Received a Planning Board recommendation of approval of the Verizon Wireless application for modifications to the tele-communication facility, 8881 Cole Rd. Site 3153, SBL# 242.00-2-13.

Town Attorney Perley commented that under Section 123-174A, applications for Special Use Permits shall be acted upon by the Town Board after a Public Hearing.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a Public Hearing regarding a Verizon Wireless application for a Special Use Permit for modifications to the telecommunication facility, 8881 Cole Rd Site 3153,SBL#242.00-2-13 for September 4, 2002 at 7:50 p.m.

five (5) Ayes Carried

Diane M. Lattin, Site Acquisition Manager, WFI ? for Verizon Wireless submitted additional supplementary information substantiating her response to Town Attorney Perley?s inquiry about structural integrity with the new array.

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Town Attorney Perley accepted the supplementary information and noted that he will forward the information to the Town Engineer.

Received a Planning Board determination that the Boston Grille Site Plan Review application for a concrete patio is complete and is forwarded to the Town Board for action upon receipt of site plans for Town Board members which include a seating diagram and a site plan revision date.

Town Attorney Perley commented that the Site Plan Review Application for the Boston Grille requires additional documentation that has not been received and therefore is not appropriate for Board action this evening.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of the Town Attorney Perley, to table the Boston Grille Site Plan Review application for a concrete patio.

five (5) Ayes Carried

#### SUPERVISOR REPORT

Received and filed Supervisor's Financial Report for July 2002.

Supervisor Eagan commented that he appreciates the resident's comment (Debbie Kubiszyn) but for the record he would like to show that this Town Board played an equal supportive role and gave great consideration and effort in Proposed Local Law #4 pertaining to live entertainment.

Supervisor Eagan reported that on the weekend of July 27th the Boston baseball organization held the second annual baseball tournament. Supervisor Eagan thanked the Patchin Fire Department for watering the ball fields and Councilman Edington and the North Boston Fire Company also helped. The tournament began on a dream of Gary Klump, Tom Lanham and Jerry Lindsey and has promise to highlight our community. Supervisor Eagan complimented our Highway/Parks Superintendent for the great job he has been doing and to our Board who has been very supportive of the parks this year.

Supervisor Eagan reported that he received notice that he was appointed to the Southtowns Meals on Wheels Board of Directors. He looks forward to working with the group and helping it expand.

#### TOWN CLERK REPORT

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

five (5) Ayes Carried

Town Clerk Shenk presented the NYS Archives and Records Administration Local Government Records Management Improvement Fund Final Project Performance Report for Microfilm Projects.

Town Clerk Shenk thanked Deputy Clerk Ellis for managing the Clerk's Office while he was on Military Leave in July.

Town Clerk Shenk announced hunting licenses go on sale 8/19/02.

#### HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that most residents do not know the town has a nature trail behind the Town Park for hiking and biking. There is a catch and release fish program in the two ponds and the public is welcome to enjoy it.

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#### HIGHWAY SUPERINTENDENT REPORT (CONT.)

Highway Superintendent Kreitzbender thanked Councilman Simmeth for drafting a resolution for a speed limit reduction on Rockwood Road. The road has recently been widened from sixteen feet to eighteen feet and is scheduled for micro sealing soon. The sight visibility is limited and a speed reduction is necessary.

Highway Superintendent Kreitzbender reported that due to excessive bids of \$5,100 to hook up the sewer line for the Town Park restrooms, a request to the Sewer Authority to hook into the manhole was granted at a cost of \$600-\$700. The water line will be installed next week along with the sewer line.

Highway Superintendent Kreitzbender reported that Armor Fence will give an estimate on August 9, 2002 for Town Park and North Boston Park fencing.

Donald Wesp inquired if the Highway Superintendent is keeping an eye on the roads and ditches in the Creekside Subdivision during the Sewer Restoration project.

Highway Superintendent Kreitzbender reported that he investigated the Creekside Subdivision today with an engineer from R&D Engineering. The contractor will return and repair problems. The roads will not be micro sealed this winter due to the fact that there will be further settling. There are spots where more pipe work is needed.

Donald Wesp asked about ditches dug deeper than they were.

Highway Superintendent Kreitzbender responded that when this project is completed he will work with residents to take care of ditches. Presently all complaints are forwarded to the Sewer Authority and the Contractor.

#### TOWN ATTORNEY REPORT

Town Attorney Perley reported that he received notification that the Tennessee Gas Article 7 proceeding is scheduled for a pre-trial conference on October 23, 2002. The Town of Boston has a minor role in the proceeding and supports the consortium members in contesting the Article 7 proceeding which takes the position that Tennessee Gas should not pick the towns off one at a time.

Supervisor Eagan commented that he sat on the Consortium and today the Town of Boston may be facing a small part but the real importance is to maintain an interest in that consortium because it will be helpful in addressing issues that may be heavier in the pocketbook for us.

#### COUNCILMAN REPORT

Councilman Mead reported that the Chamber of Commerce held the annual Ice Cream Social at the Summer Concert on August 6, 2002 to benefit the Chamber Scholarship Fund. The Boston Band was featured and there were over four hundred people in attendance.

Councilman Wiktor reported that participation in the Baseball Program was greater than in previous years with two hundred and forty boys enrolled. Boston should be proud of the many compliments received on the condition of the fields and the organization of the Baseball tournament.

Councilman Wiktor reported that August 8, 2002 is the last day for the Day Camp Summer Program. Today the Boston Valley School group went to Fantasy Island.

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COUNCILMAN REPORT CONT.)

Councilman Wiktor noted that it has been in the news that a Judge on the West Coast decided to eliminate a word and phrase from our Pledge of Allegiance. West Seneca School District passed a resolution to maintain the Pledge of Allegiance as it was written by Congress in 1954.

A motion was made by Wiktor and seconded by Supervisor Eagan that the Boston Town Board continue to use the phrase, "one nation under God" in our Pledge of Allegiance as we open every Town Board meeting.

five (5) Ayes Carried

Councilman Simmeth requested scheduling the Town Board inspection of Sprague Mobile Home Park on September 3, 2002 at 5:30 P.M.

Town Clerk Shenk noted he will notify Mr. Boyd and the Inspection Committee of the scheduled Sprague Mobile Home Park inspection.

Received and filed the Code Enforcement Officers monthly reports for July 2002.

Received and filed the Dog Control Officers monthly reports for July 2002.

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

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 8:45 p.m.

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DAVID J. SHENK, TOWN CLERK