

## Town Board Minutes December 3, 2003

REGULAR TOWN BOARD MEETING      TOWN HALL

December 3, 2003      7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Richard K. Hawkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor William A. Eagan and Town Attorney Kelly A. Vacco.

Absent: Highway Superintendent Wayne C. Kreitzbender.

Councilman Mead reported that the Creative Playground was built, maintained and owned by the Town of Boston on Hamburg School District property. It is a wooden structure that through aging has developed splinters, contains dangerous chemicals such as arsenic and is infested with bees. It is too costly to repair and the School District has raised funds to build a new playground.

A motion was made by Councilman Mead and seconded Councilman Wiktor that the remainder of the money in the Boston Playground Fund be given to Boston Community Playground to be used toward the purchase of new playground equipment.

five (5) Ayes      Carried

A motion was made by Councilman Mead and seconded Councilman Simmeth to award CAC Member Lynn Zachmann, Consulting Arborist, the contract for pruning the (7) Town Hall Crab trees, for a fee of \$100 per tree.

five (5) Ayes      Carried

Councilman Simmeth presented Supervisor Eagan with a plaque to be displayed in the Town Hall from Empire State Games Buffalo-Niagara 2003 in appreciation to Town of Boston and the Boston Fire Company for hosting the best ever NYS Empire State Games Cycling event.

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to adopt minutes of the November 19, 2003 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins, upon review by the Town Board, that the fund bills on Abstract #12, dated December 3, 2003, in the amount of \$120,002.82 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff's Report for October 2003.

Received and filed an Adelphia Cable explanation of new rates effective January 2004.

#### REQUESTS FROM THE FLOOR

Sondra Kadlubowski, 6551 Sherwood Lane: I would like to know why you are playing favorites? Hillfest sent a letter to request use of the Town Park for July 2004 and at the May 21st Town Board meeting the request was tabled. We were told we would have to wait until after January 1st. One of the churches was also told to wait until after January 1st. At the November 19th Town Board meeting Patchin Fire Company was granted their dates for Community Days. Why there is special treatment for one group?

Councilman Mead: It was not favoritism but that the calendar in the Town Clerk's office was not available until after January 1st.

A representative from Community Days requested the 2004 dates due to time restraints. Because the Acting Town Clerk confirmed that the calendar was available before January 1st, the Town Board responded that others can be notified or granted permission to schedule dates for 2004.

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REQUESTS FROM THE FLOOR (CONT.):

Councilman Hawkins: The Community Days Committee submitted a letter to schedule dates and was also told to wait until after January 1st because of the calendar. When the calendar became available they were told to submit their request again. If the Town Board does it for one they must do it for everyone.

Supervisor Eagan: The Hillfest Committee is being given the same opportunity. You are being sent a letter requesting a Hillfest representative attend the next Agenda Review meeting to discuss your plans as the Community Days Committee did. They confirmed fire and police protection.

Frank Lisowski, 5461 Shero Road: Community Days Committee has already been granted those dates. What if the Hillfest Committee wanted those days? They haven't even been notified by letter.

Supervisor Eagan: The Hillfest Committee sent a request for dates that did not conflict with Community Days.

Received an application for a Site Plan Review from Marty Barrett, 8032 Boston State Road, for a flower and gift shop.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to refer the application for a Site Plan Review from Marty Barrett, 8032 Boston State Road, for a flower and gift shop, to the Planning Board for review and recommendation.

five (5) Ayes Carried

At 7:45 a Public Hearing was held to hear public comments regarding Proposed Local Law No. 3 of the Year 2003, entitled, "A Local Law to Amend Chapter 104, Subdivision of Land."

Supervisor Eagan read the legal notice.

Town Attorney Vacco: Proposed Local Law No. 3 of the Year 2003 seeks to amend the current Town of Boston Code Chapter 104 which deals with Subdivision of Land. This updates the section to reflect the changes of the industry and growth. It addresses situations where the

current code sections may have

conflicting time requirements and ties in the current highway specifications according to NYS Department of Transportation. The law will also conform all of the sections of Chapter 104 so that they work together.

There were no public comments.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to close the Public Hearing at 7:47 p.m.

five (5) Ayes Carried

Received an application for a Site Plan Review from Douglas and Karen Schunk, 6986 Brown Hill Road, to erect a duplex.

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A motion was made by Councilman Mead and seconded by Councilman Simmeth to refer the application for a Site Plan Review from Douglas and Karen Schunk, 6986 Brown Hill Road, to erect a duplex, to the Planning Board for review and recommendation.

five (5) Ayes Carried

Received a second request from the Boston Hillfest to reserve the Town Park, Lions Shelter, Community Room and Kitchen July 14-19, 2004 and a request for a grant of \$2,500 for fireworks.

Deputy Town Clerk Ellis is directed to request a Hillfest Committee member attend the December 17, 2003 Agenda Review Meeting to discuss the Hillfest request.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to table the requests of the Boston Hillfest to reserve the Town Park facilities, Community Room and Kitchen July 14-19, 2004 and the request for a grant of \$2,500 for fireworks until after the Agenda Review meeting on December 17, 2003.

five (5) Ayes Carried

At 7:50 a Public Hearing was held to hear public comments regarding Proposed Local Law No. 2 of the Year 2003, entitled, "A Local Law to Amend Section A-127, Street and Highway Specifications."

Supervisor Eagan read the legal notice.

Town Attorney Vacco: Local Law No. 2 seeks to amend Section A-127, Street and Highway Specifications. The law addresses the need to update the current highway specifications to reflect

changes in State and industry  
standards.

There were no public comments.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to close the Public Hearing at 7:52 p.m.

five (5) Ayes Carried

#### SUPERVISOR REPORT

Supervisor Eagan reported that a survey was recently sent out by the Town Board to residents age fifty and older addressing senior housing needs in our community. There were a significant number of returns. A professor from Erie Community College will analyze the survey and return the results to the Town Board within the next thirty days so the Board may proceed in interesting developers to build senior residences for our community.

Supervisor Eagan reported that there was an article recently in the Southtowns Citizen regarding both the State Police and the Town of Boston's interest in accommodating one another with a new police barracks. Hopefully a proposal for a lease agreement will be presented to the State Police in the next few weeks.

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TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept Town Clerk's monthly report for November 2003.

five (5) Ayes Carried

Deputy Town Clerk Ellis announced that there are still a few angels on the Boston Chamber of Commerce Sharing Tree. There are more Boston children in need this year. For everyone who took an angel, rest assured your gift is greatly appreciated.

#### COUNCILMAN REPORT

Councilman Mead announced that the Boston Chamber of Commerce is sponsoring "Cookies with Santa" at the Evans Bank on December 6th.

Councilman Mead thanked the Christmas lighting committee for a fantastic job in decorating the town.

Councilman Mead announced that the Town Board had a first meeting with a vendor regarding the re-valuation process. As per the residents requests we are moving quickly.

Councilman Wiktor thanked the volunteers of the Christmas Lighting Committee for decorating our town for the season.

Councilman Wiktor reported that regarding Adelphia Cable, a letter was sent notifying residents of a rate increase effective with the January billing. Adelphia is conducting a telephone service to town residents to explain the new service.

Councilman Wiktor announced the annual Holiday Concert is Thursday, December 11, 2003, 7:30 p.m. at Boston Valley School.

The Town Band, St. Paul's Episcopal Boys and Men's Choir and Mary Beth Wrobel, soloist will perform.

Councilman Simmeth reported that he notified NYSEG that many street lights are out in town and if they are not replaced within a week and a half he is going to request a refund. The town pays for the lighting whether they are on or off and if the lights are off it is not fair to the taxpayers.

Councilman Hawkins reported that he spoke with Paul Becker, ECWA regarding fire hydrants. There are a number of unusable hydrants and after identified ECWA will be asked to correct the problem.

Councilman Hawkins announced that the Patchin Fire Company is no longer running Bingo games. The games began in 1967 but because of the new smoking laws and low attendance the games have been cancelled. The Patchin Fire Company will send a letter to the town so the Bingo Inspector will be notified.

Councilman Hawkins reported that he contacted Erie County Highway regarding a 1998 resolution to post speed limit signs in the Boston Valley School area. A 2002 request was unsuccessful. The town will present another resolution soon and Legislator Jeanne Chase has requested a copy of the resolution.

#### RECREATION DIRECTOR REPORT

A) Recreation Director monthly reports for October 2003 received and on file in Town Clerk's Office.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 8:00 p.m.

KAREN A. ELLIS, DEPUTY TOWN CLERK