

## Town Board Minutes December 5, 2001

REGULAR BOARD MEETING      TOWN HALL

DECEMBER 05, 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 Michael F. Perley.

Rev. Gary Burdick, Faith United Church of Christ 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 November 21, 2001 regular Monthly Meeting.

five (5) Ayes      Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #12, dated December 5, 2001 in the amount of \$42,314.01 be paid.

five (5) Ayes      Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the Highway Bills on Abstract #12, dated December 5, 2001 in the amount of \$8,851.49 be paid.

five (5) Ayes      Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to accept the Town Clerk's Report for November 2001.

five (5) Ayes Carried

Received and filed Erie County Water Authority Tariff Amendments.

Received a Planning Board recommendation of approval of the co-location of Omnipoint Holdings at 6405 Ward Road tower, contingent upon all documents legally required in order, need verified by RFP Specialist William Johnson and receipt of documentation verifying prior approval of antennas on tower.

A motion was made by Councilman Mead and seconded by Supervisor Rood to schedule a Public Hearing for Omnipoint Holdings, Inc. for a Special Permit for Co-location at 6405 Ward Road, January 16, 2001 at 7:45 p.m.

five (5) Ayes Carried

Received a Planning Board recommendation of approval for a Special Use Permit for Robert DeSantis, 6346 May Drive, contingent upon the Zoning Board of Appeals decision of May 7, 1998 granting a variance for exceeding maximum lot coverage and the Town Board decision of May 26, 1998 to allow a second accessory building and approval of the Special Use Permit.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to schedule a Public Hearing for Robert DeSantis for a Special Use Permit for a Temporary Structure at 6346 May Drive, January 16, 2001 at 7:40 p.m.

five (5) Ayes Carried

Supervisor Rood reported that Thelma M. Hornberger was appointed Temporary Assessor pending further information regarding her Real Estate Career.

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Town Attorney Perley commented that he has obtained an opinion from the Counsel for the NYS Board of Equalization and Assessment, predecessor to the office of Real Property Services, that it is permissible for a licensed Real Estate Agent affiliated with a brokerage house to serve as Town Assessor. In the opinion of Town Attorney Perley, the appointment of Ms. Hornberger must necessarily be limited in two aspects. You cannot put a condition on a constitutional appointment but the appointment can be made subject to the execution of an agreement that she would not act as a listing or selling agent for any property in the Town of Boston. In the event there was a contested assessment that was based upon a transaction involving a brokerage house with which she is affiliated as a listing or selling agent, and where her opinion as an Assessor would be required or part of any contested proceeding, she would obtain an outside Assessor to render that opinion at no further expense to the Town of Boston. With those conditions and subject to Ms. Hornberger executing this agreement, it is the opinion of Town Attorney Perley that there is no legal impediment based upon the NYS Board of Equalization and Assessment opinion to her appointment.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to appoint Thelma M. Hornberger as Assessor, term to expire September 30, 2007, subject to Town Attorney Perleys opinion.

five (5) Ayes      Carried

#### SUPERVISOR REPORT

Supervisor Rood reported that the dates for the 2002 Hillfest event have been set for July 13th and July 14th 2002.

Supervisor Rood announced that more Blizzard Boxes have been received from six Girl Scout troops for Meals on Wheels recipients. The boxes are filled with non-perishable food items in the event of a program cancellation.

Supervisor Rood announced that she was honored to receive a plaque from the Western Chapter of the NYS Horse Council in appreciation of her efforts securing horse trails in Erie County after twenty-five years of not being able to ride on county lands.

#### TOWN CLERK REPORT

Town Clerk Shenk reported General Code Publishers estimate to update the forty-seven copies of the Town Code book is \$4,785 which includes inserts for the existing forty-seven codes.

A motion was made by Supervisor Rood and seconded by Councilman Tills to grant Town Clerk Shenk permission to order an update to the Town Code Book from General Code Publishers for a fee of \$4,785.

five (5) Ayes    Carried

#### COUNCILMAN REPORT

Councilman Mead thanked the Christmas Lighting Committee for the wonderful lighting displays throughout the town.

Councilman Wiktor welcomed the government class in attendance.

Councilman Wiktor reported that a resident noted Cole Road was recently repaved by Erie County and he questioned when the re-striping would be done.

Highway Superintendent Kreitzbender noted that the striping will be done upon completion of the work on Cole Road.

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COUNCILMAN REPORT(CONT.):

Councilman Wiktor reported that the Friday Night Recreation program is going strong due to the lack of snow for the ski program.

Councilman Wiktor requested Town Attorney Perley assign a committee to update and re-evaluate the Town Code of Ethics and accept Councilman Wiktor's offer to serve on the committee.

Councilman Simmeth, Chairman of the Traffic Safety and Highway Committee reported that the committee reviewed the letter from Josselyn Staff dated November 20, 2001 and at the Town Board meeting of December 19, 2001, will present resolutions lowering the speed limit on Patchin Road between Boston State and Back Creek Roads and Shero Road between Back Creek and the 219 Expressway.

Councilman Simmeth reported that the Town Engineer and a Geo- Technical Engineer will develop an approach to resolve the erosion concerns adjacent to Wildwood Dr.

Councilman Simmeth reported that he has been in contact with the NYS DEC regarding the Spring Fish Stocking Program.

Councilman Tills reported that the Hillfest Committee is seeking new members and anyone interested in joining may send a letter to the Town Hall.

#### CODE ENFORCEMENT OFFICERS REPORT

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

#### DOG CONTROL OFFICER MONTHLY REPORT

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

#### TOWN ENGINEER REPORT

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

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adjourn the meeting at 7:45 p.m.

DAVID J. SHENK, TOWN CLERK