

## Town Board Minutes December 6, 2000

REGULAR BOARD MEETING      TOWN HALL

DECEMBER 06, 2000      7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

Absent: Councilman Dennis J. Mead.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the November 15, 2000 regular monthly meeting.

four (4) Ayes      Carried

A motion was made by Councilman Tills and seconded by Councilman Wiktor, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #12, dated December 6, 2000 in the amount of \$27,151.31 be paid.

four (4) Ayes      Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #12, dated December 6, 2000 in the amount of \$24,989.52 be paid.

four (4) Ayes      Carried

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

four (4) Ayes Carried

Received and filed notification from Legislator Dale Larson that \$2,000 in funding has been secured for the Meals on Wheels Program in the towns of Boston, Colden, & Holland.

Supervisor Rood reported that \$2,500 was received from Legislator Marshall, \$2,140 from the United Way, and a \$500 contribution from the Town of Boston will purchase the ovens necessary in the Towns of Boston, Colden, Holland and Concord for the Meals on Wheels Program. The program will be operational by spring.

#### REQUESTS FROM THE FLOOR

Jennifer Trimm, 5223 Ravine Drive: I was recently in the Boston Valley Elementary School parking lot and I heard gunshots coming from the woods behind the school. I found statistics of hunting accidents from 1998 off the Internet. I feel hunting behind the school should be banned and if it can't be banned I propose that the distance that hunting can take place behind the school should be increased from 500 feet.

Supervisor Rood: I think they should ban hunting on Sundays too because I am a horsewoman and that Sunday was the only day during hunting season that was safe to ride in the woods.

Town Attorney Perley: The State of NY is responsible for these laws. The jurisdiction of the towns is extremely limited. The Municipal Home Rule Law only allows towns to pass legislation that is not inconsistent with the State Law. With regard to anyone using the school as a staging area, that is exclusively within the jurisdiction of the Hamburg Central School District.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint Lisa M. Rood as a Marriage Officer, term effective 12/6/00 to 12/31/00.

four (4) Ayes Carried

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A motion was made by Councilman Tills and seconded by Councilman Simmeth to authorize Supervisor Rood to sign the Erie County Department of Senior Services 2001 Nutrition Program contract.

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to approve the following abstract corrections:

General Fund and Special Districts, Abstract #11, 11/1/00:

Total General Fund from: \$11,633.17 to \$11,633.77

Total Abstract unchanged.

Highway Fund, Abstract #11A, 11/15/00:

Total Abstract: From: \$37,874.53 to \$37,901.53

four (4) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to refer the Site Plan Review for Southtowns Rural Preservation, 9441 Boston State Road, to the Planning Board for review and recommendation.

four (4) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize Supervisor Rood to sign the Erie County Highway Department 2000-2005 Snow Removal Contract.

four (4) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to refer the Site Plan Review for Charlap's Dairy Farms, 7264 Boston State Road, to the Planning Board for review and recommendation.

four (4) Ayes Carried

The following bids for the East Hill Water District #3, Contract #1 were received, opened and read aloud on December 5, 2000 at 10:00 a.m.:

NAME	BASE BID	BASE BID + Alt.
Fairway Contracting	412,111.50	480,028.40
Collana Const. Inc.	440,185.90	499,955.90
Janik Paving & Const. Inc.	443,573.70	514,849.30
J.D. Northrup Const. Inc.	501,542.50	570,042.50
Kandy Co. Inc.	502,331.00	578,331.00

Eastern Summit Dev. Inc.	507,173.97	579,657.59
Visone Const., Inc.	538,171.60	641,671.60
Firsthyme Const. Corp., Inc.	582,634.00	653,184.00
NC Contracting, Inc.	552,323.04	677,583.04
Triple R. Dev. Of WNY, Inc.	652,466.20	724,966.20
M&R Contracting	676,708.50	747,258.50
S. St.George Contracting,Inc.	670,215.00	768,245.00
Sicar Mgt. & Const., Inc.	696,090.08	802,730.08
Milherst Const.,Inc.	706,115.10	814,615.10
Industrial Site Services	742,553.30	818.053.30

Supervisor Rood read a recommendation from Bruce Shearer, P.E., Nussbaumer & Clarke, Inc. to award the East Hill Water District #3, Contract #1 to Fairway Contracting.

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A motion was made by Councilman Wiktor and seconded by Supervisor Rood, on the recommendation of Nussbaumer & Clarke, Inc., to award the East Hill Water District #3, Contract #1, to Fairway Contracting in the amount of \$480,028.40, contingent upon approval of USDA-Rural Development.

four (4) Ayes      Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to reschedule the January 2, 2001 Agenda Review to January 3, 2000 at 6:15 p.m.

four (4) Ayes Carried

PROCLAMATION - JONATHAN RAY KING RANK OF EAGLE SCOUT

PROCLAMATION - JAMES J. KING III RANK OF EAGLE SCOUT

TOWN CLERK REPORT

Town Clerk Shenk announced that the Town of Boston Adult Soccer League will begin on Monday, December 11, 2000 at 8:00 p.m., Boston Valley School. Registration fee is \$10.00 and may be paid at the Town Clerk's Office or before each game. The program will run approximately ten (10) weeks.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that a Hearing is scheduled next week in the Bert Fletz claim on his dismissal from the Highway Department.

COUNCILMAN REPORT

Councilman Wiktor reported that on December 4, 2000 Town Board members were given a short ride on the new Patchin Fire Company pumper truck. On Sunday, December 18, 2000 between 5:00 p.m. and 8:00 p.m. Santa Claus will be on a Patchin Fire Company truck and tour the fire district.

Councilman Wiktor reported that because the Southtowns HazMat building in Blasdell was flood damaged they were considering renting the old post office in the village of Hamburg but the cost is high and they are still looking to rent or buy. They are currently 100% operable.

Councilman Simmeth complemented Councilman Tills and the Christmas Lighting Committee on the fine job decorating the Town.

Councilman Simmeth reported that he and Deputy Code Enforcement Officer Lisowski investigated drainage problems in town, which hopefully will be rectified shortly.

Councilman Simmeth met with the Town of Boston Comprehensive Plan steering committee on December 5, 2000 regarding the Town Master Plan. Topics discussed were community service and the environment. Approximately 400 surveys were sent to residents to obtain their opinions on how the town is being run and to point out problem areas which will guide the master plan committee on where the Town is headed in the future. The steering committee is meeting once a month with focus groups.

#### CODE ENFORCEMENT OFFICERS REPORT

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

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#### DOG CONTROL OFFICER MONTHLY REPORT

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

#### TOWN ENGINEER REPORT

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

Supervisor Rood adjourned the meeting at 8:02 p.m. with a moment of silence in memory of former Town of Boston Supervisor Richard L. Kennedy who passed away on November 29, 2000.

DAVID J. SHENK, TOWN CLERK