

Town Board Minutes February 20, 2002

REGULAR BOARD MEETING TOWN HALL

FEBRUARY 20, 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.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the February 6, 2002 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington, upon review by the Town Board, that the General Fund and

Special District Bills on Abstract #2A, dated February 20, 2002 in the amount of \$42,029.09 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon Town Board review, that Highway Bills on Abstract #2A, dated February 20, 2002 in the amount of \$8,596.72 be paid.

five (5) Ayes Carried

Received and filed notification from the Town of Orchard Park of a Public Hearing on February 20, 2002 regarding a Proposed Amendment to the Town of Orchard Park Zoning Ordinance.

Town Clerk Shenk noted that he posted the Public Hearing notice regarding the Proposed Amendment to the Town of Orchard Park Zoning Ordinance on the Town Hall bulletin board.

Supervisor Eagan commented that Deputy Code Enforcement Officer Lisowski would attend the Orchard Park Public Hearing.

REQUESTS FORM THE FLOOR

Erie County Legislator Steven McCarville commented that he has been in contact with Supervisor Eagan and Councilman Simmeth regarding the intersections of Boston Colden, West Tillen, and Boston State Roads. There has been another tragic accident at the site and Legislator McCarville acknowledged there is some history at the site, studies have been done in the past, and signs have been changed and obviously more needs to be done. At the request of Supervisor Eagan a crew has been realigning signs to aid with site distance and removing brush and tree limbs. There will be an informational meeting on Wednesday, February 27, 2002, at the Boston Town Hall with Legislator McCarville, Commissioner of Public Works Maria Lehman and Highway Representative Charles Sickler to give people in Boston an opportunity to present their insights. Legislator McCarville commented that the County will work quickly and diligently with the Town Board to make sure anything that needs to be done will be done as soon as possible.

A motion was made by Councilman Wiktor and seconded by Councilman Edington to grant the Boston Boy Scout Troop #491 use of the Town Park and Restrooms on March 2, 2002 for the NYS Department of Environmental Conservation Search and Rescue Course which will also be offered to the Fire Companies and the Emergency Squad.

five (5) Ayes Carried

Town Attorney Perley commented that regarding a request for a building permit extension from Gregory Gerwitz, 5773 Herman Hill Road, extensions have been requested in the past and the property was the subject of a demolition proceeding due to structural difficulties. It is recommended that the Code Enforcement Officer verify the structural integrity of the building.

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A motion was made by Councilman Mead and seconded by Councilman Simmeth to table a request for a building permit extension from Gregory Gerwitz, 5773 Herman Hill Road.

five (5) Ayes Carried

Received a request from the Planning Board regarding the request of Timothy Kirst, Lot 3 ? Hickory Meadows, to use Roy Place as an access for a driveway, that appropriate legal documents be prepared by the Town Attorney addressing such issues as indemnification, damages and drainage.

Town Attorney Perley commented that he will present the legal issues regarding the request of Timothy Kirst to the Town Board at the next Town Board meeting for their consideration.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to table a request for a driveway access on Roy Place from Timothy Kirst, Lot 3 ? Hickory Meadows.

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor Eagan thanked Legislator McCarville for his attendance this evening noting that he and Councilman Simmeth have been working with Legislator McCarville to correct the problem at the Boston State?West Tillen Road intersection.

Supervisor Eagan reported that he attended the NYS Association of Towns Training Seminar in NYC and found the courses beneficial.

TOWN CLERK REPORT

Town Clerk Shenk announced that the Town and County tax bills were mailed on February 15th and are due March 15th, 2002. The Town Clerk's office will be open Saturdays, 9:00 am to 3:00 pm, February 23rd, March 2nd and March 9th.

Town Clerk Shenk announced that he has applied for two Records Management Grants to NYS. One Grant falls under technology for funds to implement the Internet program and the other is for inactive records. Clerk Shenk noted that between him and his predecessor, the records in every department have improved with the exception of the Highway Department, which will now be done.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that he notified EC Highway Department regarding the bent sign at the intersection of Boston State and West Tillen and it was replaced. Brush was removed and visibility is improved.

Highway Superintendent Kreitzbender attended the FEMA meeting on February 7, 2002 and submitted figures of \$84,630.30 which was approved for equipment, man-hours and materials for the recent snowstorm. Erie County deducted \$2,229.99 from the FEMA funds for the county roads plowed by the Town of Boston. This amount was refunded to the town in the past and after paying a 12 1/2% fee, the final figure to the town will be approximately \$71,000.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to direct the Town Clerk to request a refund of \$2,229.99 from Erie County for plowing the county roads by Town of Boston.

five (5) Ayes Carried

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HIGHWAY SUPERINTENDENT REPORT (CONT.):

Highway Superintendent Kreitzbender reported that he and ECWA representatives investigated the water break behind Rucker Lumber and will present a recommendation to the Town Board.

Highway Superintendent Kreitzbender reported that he met with representatives from Erie County Sewer Authority regarding the Creekside restoration project. Figures were submitted to the Sewer Authority for the oiling and stoning vs. micro-sealing process, which the town has adopted for the road rehabilitation program. There is a \$1,500 difference between processes for the entire subdivision.

Highway Superintendent Kreitzbender noted that there must be a meeting with Erie County Highway Department regarding the reconstruction of Omphalius Road to begin in April. The water project must coincide with this project so there is only one restoration of this road.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that a decision was received from the Appellate Court Division in the matter of Feltz vs. the Town of Boston and the case has been terminated. The amount plus interest is due in twenty-one days.

COUNCILMAN REPORT

Councilman Wiktor reported that he made arrangements with Highway Superintendent Kreitzbender for a construction company doing work locally to bring in free fill for use in the Town Park area.

Councilman Simmeth received a request dated February 18, 2002 for action regarding the intersection of Herman Hill and Abbott Roads where the site distance is blocked by cars parked too close to the

Highway. Councilman Simmeth noted that there have been other complaints over this problem and the Code Enforcement Officer and State Police have addressed this in the past.

Town Attorney Perley commented that there is a zoning regulation providing for site lines at intersections. The individual can be cited by the Code Enforcement Officer.

Highway Superintendent Kreitzbender noted that he notified the State Police regarding parking at the Herman Hill intersection. He requested NYS DOT to guard rail that intersection but they cannot do so. There is a site problem.

Supervisor Eagan inquired if we could authorize our Code Enforcement Officer to act on this.

Town Attorney Perley responded that the Code Enforcement Officer can prosecute under certain governmental immunities in the event of an acquittal of a zoning violation. Whether he would enjoy the same immunity enforcing a vehicle traffic law needs to be determined.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 7:56 p.m.

DAVID J. SHENK, TOWN CLERK