

Town Board Minutes February 4, 2004

REGULAR BOARD MEETING TOWN HALL

FEBRUARY 4, 2004 7:30 P.M.

Present were Councilman Brien M. Hopkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor William A. Eagan, and Town Attorney Kelly A. Vacco.

Excused: Councilman Richard K. Hawkins

Absent: Highway Superintendent Wayne C. Kreitzbender

Rev. James Laun, Churchill Memorial United Methodist Church opened the meeting with a prayer.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the January 21, 2004 meeting.

four (4) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth upon review by the Town Board, that fund bills on the Abstract dated January 28, 2004 in the amount of \$ 105,399.88 be paid.

four (4) Ayes Carried

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

Received and filed a letter from the Arts Council stating that the Town of Boston Recreation Department has received two Decentralization Grants. One in the amount of \$1,700 will be used for the 14th Annual Summer Concert Series and the other in the amount of \$500.00 to be used for the Winter Concert Series.

Supervisor Eagan read a letter from Robert Bulger, requesting appointment to the Zoning Board of Appeals.

A motion was made by Councilman Hopkins and seconded by Supervisor Eagan to refer the letter from Robert Bulger to the Zoning Board for consideration.

four (4) Ayes Carried

Supervisor Eagan read a letter from Thomas R. Williams in regards to renewing his Special Permit for an Amateur Radio 50 foot tower. Mr. Thomas also stated that there have been no changes since his original application.

Councilman Simmeth asked Deputy Code Enforcement Officer Lisowski if there had been any complaints regarding this special permit.

Deputy Code Enforcement Officer Lisowski said that there had not been any complaints.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the special permit for the Amateur Radio 50 foot tower to expire 12/31/2005.

four (4) Ayes Carried

Received and filed a Resolution from the Village of Farnham regarding the Seneca Nation of Indians, Honoring the Indian Treaties with the United States.

RESOLUTION 2004 - 7 SENECA NATION OF INDIANS HONORING THE INDIAN TREATIES WITH THE UNITED STATES

RESOLUTION 2004 ? 6 REQUESTING STATE ASSISTANCE FOR A REASSESSMENT PROJECT FOR THE TOWN OF BOSTON

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A motion was made by Councilman Mead and seconded by Supervisor Eagan to appoint Gregory Kummer as Recreation Director with an annual salary of \$8,800 term to expire 12/31/04.

four (4) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to table the appointment of Town Engineer for further review.

four (4) Ayes Carried

A recommendation was made by Town Clerk Shenk to appoint Yvonne DeCarolis as Clerk PT.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approved the appointment of Yvonne DeCarolis as Clerk PT at the rate of \$11.30 hr, term to expire 12/31/04.

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to cancel the February 18, 2004 Agenda Review and Town Board Meetings due to the fact that some of the town officials will be attending the Association of Towns training school.

four (4) Ayes Carried

Town Attorney Vacco suggested that the Town Board conditionally grant the renewal of the license for Sprague Mobile Home Park, to expire June 30, 2004 with the conditions that were stipulated in a memo to the Town Board from Deputy Code Enforcement Officer Lisowski dated January 6, 2004. Mr. Boyd received a copy of this memo at the January 21, 2004 meeting.

Town Attorney Vacco also stated that the conditional renewal of the Sprague Mobile Home Park shall be subject to the Owner-Operator entering into a security agreement with the Town of Boston with said funds to be deposited with the Town and be held in escrow pending the completion of the stipulated conditions by a pre-determined date.

A motion was made by Councilman Mead and Seconded by Supervisor Eagan to conditionally approve the renewal of the Sprague Mobile Home Park License to expire June 30, 2004, with the stipulation that all conditions stated in the memo dated January 6, 2004 be met.

four (4) Ayes Carried

At 7:45 p.m. a Public Hearing was Held to hear comments regarding Proposed Local Law 1 of the Year 2004, entitled, ?A Local Law to Amend Section 123-136(B), Limitations on Obstructions in Required Open Space.

Supervisor Eagan read the legal notice.

Town Attorney Vacco: The Code Enforcement Officer, at his request, approached the Town Board making a recommendation to amend the section that addresses obstructions in open spaces because it no longer addressed current building standards and that an excessive amount of variances were being required in order to address that section. It has therefore been amended to reflect current building code standards as they need to be met.

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There were no public comments.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to close the public hearing at 7:48 p.m.

four (4) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to adopt Local Law No. 3 of 2004 (proposed Local Law No. 1 of 2004) A Local Law to Amend Section 123-136 (B) Limitations on Obstructions in Required Open Space

four (4) Ayes Carried

SUPERVISOR REPORT

In Councilman Hawkins' absence, Supervisor Eagan read a letter from the Hamburg Central School District regarding the speed limit on Back Creek Road.

Supervisor Eagan attended a North Boston Fire Company Installation dinner on January 24, 2004.

Supervisor Eagan stated to Deputy Code Enforcement Officer Lisowski that he was still receiving complaints about the noise coming from Cousin's Restaurant/Bar.

Deputy Code Enforcement Officer Lisowski stated that he had met with the owner again and he had a band but had elevated the speakers off the floor to try to eliminate the loud bass sound coming from the speakers.

TOWN CLERK REPORT

Town Clerk Shenk: Late December of 2003, Former Councilman Wiktor and I began working on a matter to improve the service with Waste Management. The service has improved, however, Mr. Hourihan from Waste Management, Councilman Simmeth and myself will meet on February 12, 2004 at 2:30 p.m. All Town Board members are welcome to attend.

The 2004 Town and County Tax bills should be mailed on February 13th. The office will be open the following Saturdays from 9:00 a.m. to 3:00 p.m., February 28, March 6 and March 13.

This week we applied for two records management grants. One is for web-site enhancement. Currently, we are finishing up work on our first web-site project and this would be the second phase. The second is a Conservation of Historical Records project. This would aid our book restoration project.

Thank you for appointing Yvonne DeCarolis as Clerk PT.

TOWN ATTORNEY REPORT

Regarding the LaMar sign case, I received a Second Circuit opinion determining that LaMar has standing to go forward on the merits. They remanded the case back to District Court for a hearing on the constitutionality of the Orchard Park Sign Law.

COUNCILMAN REPORT

Councilman Mead congratulated the appointments of the new Recreation Director and the Clerk, PT. Councilman Mead stated that the new Clerk will be helping out with the Web page.

Councilman Mead thanked Assessor Hornberger for the information he requested regarding all the landowners adjacent to the Niagara Mohawk Power Line for the WNY Snowmobile Club.

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Councilman Hopkins stated that some of the baseball fields need to be reconditioned. After it rains, a game cannot be held for a couple days. The baseball league has saved up some money and is looking for the help from the Town to cover two of the fields, one at North Boston Stadium and Field number three at Boston Town Park. We have a quote of \$9,000 to do both fields. This includes volunteer labor from the baseball league. If the Town can appropriate \$5,000 towards the project, the league will put in \$4,000.

Supervisor Eagan: Just for the record, this is the claying of the fields. A lot of time is put in to maintaining these fields. This certainly would help us control costs by claying these fields. Eventually we would like to get them all done. It does cut down on the maintenance. Drainage is put in, so it really is a great investment for the community. Besides the monetary contribution, there are in-kind services here that are really hard to put a price tag on.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to appropriate \$5,000 towards the baseball field claying project, with the match of \$4,000 from the baseball league.

four (4) Ayes Carried

Councilman Simmeth read a press release from Erie County Soil and Water stating that the 2004 Conservation Tree and Shrub Seedling Program is underway. Orders must be placed by March 26, 2004. Brochures can be picked up at the Town Clerk's Office.

Supervisor Eagan suggested that planting some trees strategically between the parking lot and the fence. Supervisor Eagan suggested the Conservation Advisory Council look into that.

Supervisor Eagan read a letter dated January 28, 2004 from the Zoning Board of Appeals to recommend the appointment of Ralph Gibson as Chairman.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to appoint Ralph Gibson as Chairman of the Zoning Board.

four (4) Ayes Carried

Town Clerk Shenk noted that he received information that Maryann Jehle had passed away today. Maryann had been the Town Historian for approximately the last eight years. Her husband held that position for 30 years before her.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to adjourn the meeting at 8:10 p.m. in memory of MaryAnn Jehle.

DAVID J. SHENK, TOWN CLERK