

Town Board Minutes February 5, 2003

REGULAR BOARD MEETING TOWN HALL

FEBRUARY 5, 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, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to authorize Supervisor Eagan to sign an Agreement with Erie County Dept. of Public Works, Div. of Highways, to furnish, erect, and maintain a flashing signal and flashing approach beacon at the Boston State, Boston Colden and West Tillen intersection.

five (5) Ayes Carried

RESOLUTION 2003-05 ISSUANCE OF SERIAL BONDS TO FINANCE THE PURCHASE OF A 2002 MODEL OSHKOSH MPT SERIES HIGHWAY TRUCK CHASSIS

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the January 22, 2003 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the fund bills on Abstract #2, dated February 5, 2003, amount of \$71,897.68 be paid.

five (5) Ayes Carried

REQUESTS FROM THE FLOOR

Ralph Gibson, 8683 Maplelawn Drive: Monday, at our request, representatives from St. John the Baptist Church requested from the Town Clerk's office, information relative to a burial permit. After two days they were informed that that office was too busy to look into that matter. In addition to myself being very upset, my wife is quite upset and on the verge of a breakdown. I feel that this answer is totally inadequate and unacceptable.

Deputy Clerk Ellis: I am the person who took that call. The burial permits in the file cabinet only went back three years. I took down the information and told her I would get back to her. I apologize. My office has been extremely busy. To this day I would have to do research.

Ralph Gibson: It wasn't you who made that comment. It was one of your associates.

Deputy Clerk Ellis: I remember talking to Florence Wendling.

Ralph Gibson: Yes, the initial request but they were advised today by the person who put it on microfiche that they could not get at it at this time.

Deputy Clerk Ellis: We have a new girl in our office and she is doing an outstanding job. I apologize on her behalf and I would be willing to stay tonight to get your request through.

Ralph Gibson: I understand and appreciate that but you don't tell residents and taxpayers that you don't have time to do this for them when it is an extremely emotional matter. Isn't there another party in your office too?

Deputy Clerk Ellis: There are two girls but only one girl was here today.

Ralph Gibson: It had to be somebody that was here previously to this year because she said last year she took all the information and put it on microfiche.

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REQUESTS FROM THE FLOOR (CONT.):

Deputy Clerk Ellis. That would be Joyce but she wasn't in today.

Supervisor Eagan: I can understand the displeasure of being received in that manner. In fairness to the Deputy Clerk, she needs to check with Joyce. I don't know what more we could say other than she will do what she can to accommodate you.

Ralph Gibson: If it is handled tomorrow that is fine but I wanted to get to the bottom of this so I can go home this evening and tell my wife that it is going to be handled.

Deputy Clerk Ellis: I will call you tomorrow and attempt to find this. Again I apologize on behalf of our staff and myself.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to grant the Democratic Club use of the Town Hall Community Room/Kitchen and Town Park for the annual Easter Egg Hunt on April 19, 2003 from 9:00 a.m.- 3:00 p.m. A fifty-dollar deposit was received.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to grant Karen Ellis use of the Lions Shelter, Town Hall Park and restroom facilities for a family picnic on August 3, 2003 from

9:00 a.m. - 9:00 p.m. Alcoholic beverages will be served and a certificate of insurance will be submitted.
A fifty-dollar deposit was received.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant the Boston Recreation Program permission to use the Lions Shelter, Town Hall Community Room and restroom facilities for the Summer Concert Series on Wednesdays June 25th ? August 27, 2003. There is no conflict with the Boston Community Days event on July 16, 2003.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to cancel the February 19, 2003 Agenda Review meeting and the February 19, 2003 Town Board Meeting.

five (5) Ayes Carried

Received a request from the Conservation Advisory Council for a 2003 budget increase of \$500 due to an increase in projects.

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to refer to Councilman Simmeth a request from the Conservation Advisory Council for a 2003 budget increase of \$500.

five (5) Ayes Carried

Received a Special Permit application from the Federal Bureau of Investigation for co-Location of two receivers and one antenna to a Telecommunication Facility at 6405 Ward Road and a request to waive the \$1,000 application fee.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to grant the request of the Federal Bureau of Investigation to waive the application fee for a Special Permit Application for co-Location to a Telecommunication Facility at 6405 Ward Road.

five (5) Ayes Carried

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A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to refer a request from the Federal Bureau of Investigation for a Special Permit Application for co-Location to a Telecommunication Facility at 6405 Ward Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to schedule a Public Hearing for March 5, 2003 at 7:45 p.m. for the Special Permit Application for co-Location to a Telecommunication Facility at 6405 Ward Road requested by the Federal Bureau of Investigation.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, on the recommendation of Town Attorney Perley to approve the 2003 National Fuel Annual Blanket Highway Work Permit, in full force and effect until 12/31/03 with the following conditions:

1) Permit revocable by Town Board upon recommendation of Highway Superintendent and after notification to permit holder.

2) National Fuel agrees to respond within (2) days to any complaint from the Town Board, Town Attorney, Town Engineer, or Highway Superintendent with respect to any activity authorized by the Blanket Permit

3) Complaints shall be communicated to either Richard Fiorello - Supt.Eng., John Machia ? Pipeline Mgr., Mike Rogers Asst Supt.

five (5) Ayes Carried

A motion was made by Supervisor Egan and seconded by Councilman Mead to accept the Town Clerk, Tax Collector, and Justices Annual Reports for 2002.

five (5) Ayes Carried

A motion was made by Supervisor Egan and seconded by Councilman Mead to establish the following Salary Schedule for 2003:

Position	Salary
Assistant to the Supervisor	22,600/Yr.
Bookkeeper	26,000/Yr.
Clerk-Typist, PT	11.00/Hr.
Clerk to Justices	25,500/Yr.
Assessment Clerk, PT	10,000/Yr.
Clerk, PT	11.00/Hr.
Town Attorney	23,500/Yr.
Court Officer, PT	4,200/Yr.
Court Officer, Sub	75.00 night
Deputy Town Clerk	25,500/Yr.
Deputy Town Clerk, PT	11.00/Hr.

Secretary to Boards 11.00/Hr.

Recreation Director, PT 8,600/Yr.

Code Enforcement Officer, PT 12,375/Yr.

Dep. Code Enforcement Officer, PT 6,050/Yr.

Dog Control Officer, PT 8,500/Yr.

Dep. Dog Control Officer, Enumerator PT 3,625/Yr+\$1 per dog

Nutrition Program Director 7.50/Hr.

Asst. Nutrition Program Director 7.50/Hr.

Laborer, PT - Town Hall 9.75/Hr.

Bingo Inspector 40.00/Per Insp.

Assessor, PT 25,700/Yr.

Cobblehill Cemetery Liaison 300/Yr.

Records Management Officer No Salary

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SALARY SCHEDULE (CONT.):

Registrar of Vital Statistics 1.00/Yr.

Dep. Registrar of Vital Statistics 1.00/Yr.

Marriage Officer No Salary

Town Historian 2,400/Yr.

Parks Superintendent 4,500/Yr.

Town Planner 1,900/Yr.

Cleaner Town Hall PT 2,830/Yr.

Budget Director 2,000/Yr.

Election Inspectors - Per Day

Primary Day 124.00

Chairman 18.00

Election Day 124.00

School 32.00

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to table the 2003-salary schedule for the Dep. Attorney/Prosecutor position for further review.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to amend the 2003 Town Clerk salary to \$37,200 per year.

five (5) Ayes Carried

Received a letter from Mary Anne Jehle and Barbara Cudeck affirming their opposition to the Southtowns Rural Preservation Site Plan application.

Supervisor Eagan: I've reviewed the information presented and considered all comments made at the Public Hearing. I've had discussions with both parties and having background in Economic Development I can understand the concerns and interest of the Southtowns Rural Preservation but I find it hard to ignore 181 signatures of residents. We have many senior citizens in this town and we can't offer the proper housing that they need. I would much rather see something that we know there is a need for in the Town of Boston and surrounding communities. When I see approximately \$100,000 a unit being spent for nine apartments I wonder how far the money would go if invested into a senior housing facility.

Councilman Simmeth: SRPC has shown that there is a need for housing and demand exists in the Town of Boston. I would like to thank all the residents who voiced their concerns and also the SRPC for stating their position. A big concern of the neighbors was the decrease in property values and SRPC did not convince me that the property values wouldn't decrease. One of my most important jobs, and that of my fellow Board Members, is to protect the value of our resident's most important asset, their homes.

RESOLUTION 2003-6 A RESOLUTION DENYING APPROVAL OF THE SITE PLAN OF THE SOUTHTOWNS RURAL PRESERVATION CORPORATION

SUPERVISOR REPORT

Supervisor Eagan reported that the issue of closing the Boston State Police Barracks is still open. Due to recent weather conditions there was a driving ban in Boston. A trooper working the Boston desk was able to offer needed assistance, which is why having a human being on duty is more effective than a call box to Clarence. He recommend that a Public Informational Meeting be

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SUPERVISOR REPORT (CONT.):

Supervisor Eagan (cont.): scheduled for the Boston community and neighboring communities serviced by the Boston barracks. Perhaps the media and correspondence to the State will convince the State Police we do not want to see the Boston Barracks staff decreased.

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to schedule a Public Information Meeting on Wednesday, February 26, 2003 at 7:30 p.m. regarding eliminating the second shift at the Boston State Police Barracks.

five (5) Ayes Carried

Supervisor Eagan directed Deputy Town Clerk Ellis to extend an invitation to the surrounding communities and their Board Members to the Public Informational Meeting.

Supervisor Eagan reported that he received from Senator Volker a summary of NYS Governor's Budget Proposal and noted that savings benefit Albany but not our wallets. Reducing school aid results in higher taxes and taxing insurance companies on gross premiums pass to us in higher premiums. The budget proposal imposes a gross receipts tax on hospital revenue, reduces Medicaid and imposes higher co-pays when this Board addresses increases in insurance premiums such as health care in the ranges of 17% to 30%. This is a terrible burden on the backs of taxpayers and we don't need to contribute to rising health care costs through government proposals. State aid is reduced to our community. This Board put together a workable budget that responds to concerns of keeping taxes down and then the State mandates we swallow this pill. The budget eliminates the current tax exemption for clothing except for certain times of the year. The Governor states that in spite of the bleak budget outlook he is projecting positive economic growth for next year. Supervisor Eagan doesn't think that will happen if he is passing more tax burdens to us and urged looking at your County Tax bill to see the highlighted amount paid to Medicaid. He noted the proposal doubles Homeland Security from \$90 million to \$180 million yet finds it surprising that the State would consider reducing the Boston State Police staff in the interest in saving money.

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to authorize the Supervisor to send a letter to Governor Pataki opposing the NYS budget proposals.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to send a letter offering support to Senator Volker and Assemblyman Smith encouraging their efforts to challenge the Governor's budget proposals.

five (5) Ayes Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender thanked the State Police for their help yesterday with the numerous cars stuck on Lower East Hill Road preventing the plows from getting through. A trooper was on the scene in minutes.

Highway Superintendent Kreitzbender reported that Morton Salt has stopped deliveries in NYS. The town is low on salt and every community is cutting back. The hills will be salted as usual but flat areas will be getting less salt. The town is not in danger because an extra thousand ton of salt was purchased and we will be able to make it to April. Since the inclement weather conditions began in November the total man-hours is 2,603 hours.

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HIGHWAY SUPERINTENDENT REPORT (CONT.):

Highway Superintendent Kreitzbender (cont.): We went to one-man trucks and just cutting back one laborer on three trucks at \$8.00 an hour for 2,603 hours comes to a savings of over \$60,000 on labor.

Highway Superintendent Kreitzbender commented that Town Attorney Perley submitted his resignation tonight and he wishes to thank him for everything he has done for the Highway Department including all the bonding for his materials and vehicles.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that regarding the lawsuit of Borowicz vs. the Zoning Board of Appeals, the court dismissed the Borowicz appeal, the variance has been upheld and there is thirty days to appeal.

Town Attorney Perley read his letter of resignation submitted today to the Town Clerk.

Town Attorney Perley noted that he has enjoyed a tremendous working relationship with every Boston Town Board that he has been associated with during his twenty years of public service as either Deputy Town Attorney or Town Attorney. He noted it has been a distinct pleasure to be involved with the town. He knows he will miss the work and is very certain he will miss the people.

COUNCILMEN REPORT

Councilman Mead thanked Town Attorney Perley noting that his advice has been invaluable and his shoes will be hard to fill.

Councilman Mead thanked the Highway Superintendent and crew for the job they have done in town. Noticeable throughout town is that approaches and driveway entrances have been cleared of snow.

Councilman Mead noted that complaints have been received regarding the recycling program with Waste Management, the newly contracted refuse company. The previous company used separate trucks for refuse and recyclables. Waste Management uses the same truck but the truck is divided into sections.

Councilman Mead reported that a request was received from David Early for re-appointment to the Planning Board.

Councilman Simmeth inquired if there were alternates on the Planning Board.

Councilman Mead confirmed that there are alternates on the Planning Board.

Councilman Simmeth recommended that the appointment be tabled pending further review.

Councilman Wiktor reported he and the Supervisor attended the EMS installation dinner January 18, 2003. The 2002 top service award recipient was Kathy Weber with 112 service points. George Aiple was awarded for serving over a 1422 hours of service and being the top responder for 113 calls. Nine active

members were recognized with a minimum of 25 years of experience. Warren Berger, an EMS charter member, was honored for 35 years of continued service.

Councilman Wiktor reported that on January 25, 2003 the North Boston Volunteer Fire Company recognized outstanding members at an installation dinner. Ten past chiefs that are still active in the Fire Company were recognized. Top Responder was Robin Mead. The Outstanding Service Award was given to Robert and Ronnie

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COUNCILMEN REPORT (CONT.):

Councilman Wiktor (cont.): Marean, B-Kwik Market owners, for their re-opening of the market and their continued service and availability to the community. Jack Brown was the Firefighter of the Year. Robin Mead and James Carr were honored with the Erie County Chiefs award for their service to the North Boston Fire Company as volunteer firefighters. A special award was given to Greg McGuire and Mike Marean, owners of the B-Kwik markets for their service to the Boston community.

Councilman Wiktor announced that bids for Water District #3, Contract #2 Water Main Installation were opened at 10:00 a.m. Nussbaumer and Clarke Engineers will review the bids and make a recommendation to the Board.

Councilman Wiktor complimented the Highway Superintendent and crew.

Councilman Wiktor noted that Town Attorney Perley's resignation is a happy occurrence for him but sad for us. As a Planning Board member Councilman Wiktor recalls Town Attorney Perley guided the Board careful and provided great assistance. As Town Attorney he was always available.

Councilman Simmeth thanked Town Attorney Perley for all the time and expertise he shared with him, noting that he has true concern for the residents of the town, and wished him the best of luck.

Councilman Hawkins reported he attended his first council meeting with the fire companies and noted that Patchin Fire Company received a FEMA grant this year to better protect the community.

Councilman Hawkins commented that he greatly appreciates the wisdom that Town Attorney Perley has given him and knows that he has given his best to serve this community.

Supervisor Eagan commented that Town Attorney Perley has always been a gentleman, has worked diligently on any response requested, and wishes him success in his endeavors.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for January 2003 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICERS MONTHLY REPORT

A) Dog Control Officers monthly report for January 2003 was received and is on file in the Clerk's Office.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:35 p.m.

KAREN A. ELLIS, DEPUTY TOWN CLERK