

Town Board Minutes February 6, 2002

REGULAR BOARD MEETING TOWN HALL

FEBRUARY 6, 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 January 16, 2002 regular meeting.

five (5) Ayes Carried

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

Special District Bills on Abstract #2, dated February 6, 2002 in the amount of \$25,028.91 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead, upon Town Board review, that Highway Bills on Abstract #2, dated February 6, 2002 in the amount of \$23,144.18 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington to accept the Town Clerk Monthly Report for January 2002.

five (5) Ayes Carried

Received and filed Adelphia Cable notification of a rate increase.

Received and filed notification from NYS DOT of completed work on U.S. 219 Repaving, Construct Ramps at Armor Duelles Rd.; Rehab Armor Bridge/U.S. 219 Towns of Orchard Park, Boston, and Hamburg.

REQUESTS FORM THE FLOOR

William McGirr, 9929 Trevett Road: We just had a fatality at the corner (Boston State/West Tillen Roads) and there have been numerous accidents there and residents would like to see a flashing light/red light. There is a blind spot and this Town Board should do everything in their power to make sure that a light is installed. No is not an answer. People have been before this Board numerous times to get a light and nothing has happened. People are dying. It is up to this Board to make sure that a light gets there.

John Spors, 7055 Boston Colden Road: Here I am again. It has been about two years since I stood up here and almost begged everyone sitting on the Board about how dangerous that intersection is and now there is a seventeen year old girl dead. Something has to be done, not next year, not five years, not ten years but now. I believe a red light has to be put in going east and west and a blinking yellow going north and south. A seventeen-year-old girl is dead because there is no light down there. I know there has been some changes made but as I expressed as much as I possibly can, it is a very dangerous intersection. We can all stand here and dissect why it is dangerous but the bottom line is people don't pay attention. There is no way you are going to get them to pay attention. If you have to put a light in front of their face to make them stop that is what has got to be done. It is a very unfortunate thing and I am sure the family is grieving very much because of this situation. It has to be done now or else I am going to be up here again and probably talking about somebody else getting killed.

Richard Emerling, Boston Fire Company: In regards to the same location, unfortunately we have been there for a lot of accidents. There have been a couple fatalities, last one was a young girl which was tragic. There is never a good accident. We have a lot

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REQUESTS FORM THE FLOOR (CONT.)

Richard Emerling (cont.): of people coming through town that aren't local and they don't see this intersection. If you can give the fire companies some direction we can send letters or tell us who we can talk to about getting some sort of traffic control at that intersection. We are there once or twice a month for accidents. It is not pretty to see a young girl who hasn't started her life yet laying there dead. We definitely have to do something to correct this situation.

David Stringfellow, Boston Emergency Squad: We were asked to go through our records to see how many calls we have had at that location. In the last five years we have had seventeen calls to that intersection and in nine of those calls no patient was transported. The other eight calls resulted in fourteen people being transported.

Nina Wunch, 7059 Boston Colden Road: I have been there just over two years and I can account for at least ten times that I have been down at the corner. Last summer there was a pregnant lady that went through the intersection and got hit. I held a towel to her head until the EMS got there and this accident is the last straw. Everyday we see "almost" accidents. He gave you the statistics of how many times they were called but there are no statistics for how many times they almost got hit. We need to do something to make people that are not from our area more aware so that no more people die.

David Karb, 9529 Boston State Road: I live two doors away from the intersection. It seems that since the intersection has been put in that there are accidents there quite frequently. Every time we hear fire sirens or a thud or crunch, the first place I look is the intersection and I usually wind up calling 911. There has to be a solution and I believe the solution is a red and yellow caution light. A red stop light for Boston Colden Road and West Tilden and a yellow caution light for route 391.

Supervisor Eagan requested that David Stringfellow give him a copy of the EMS call statistics at the intersection.

Received a request from Boston Patriots Little League for a permanent press box.

Councilman Mead commented that it was suggested that the Highway Department clear a level spot for a permanent location for a press box and refer the project to the Town Attorney for review.

Town Attorney Perley noted that a framework be proposed to accommodate all parties and all uses of the park.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to refer to Town Attorney Perley, for review and recommendation, a Boston Patriots Little League request for a permanent press box.

five (5) Ayes Carried

RESOLUTION 2002-05 REFUSE LICENSES ? BFI, CID, NEI

Received a letter of resignation from the Planning Board from Thomas Edington.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the resignation of Thomas Edington from the Planning Board.

five (5) Ayes Carried

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Councilman Mead thanked Thomas Edington for his service on the Planning Board.

Received a letter from Michael Pohl requesting appointment to the Planning Board.

A motion was made by Councilman Mead and seconded by Councilman Edington to appoint Michael Pohl to the Planning Board, term to expire 2/1/05.

five (5) Ayes Carried

Councilman Wiktor noted that Michael Pohl has been serving as an alternate Planning Board member, has attended every meeting and therefore the transition will be smooth.

Received a request from Herbert Klein, Cobble Hill Cemetery Liaison for an increase in cemetery fees.

RESOLUTION 2002-08 AMEND SCHEDULE OF FEES

FOR COBBLEHILL CEMETARY

Received notification from Hurwitz & Fine, P.C. of a refusal to represent the Town of Boston due to a potential conflict of interest in the Seil vs. Town of Boston lawsuit.

Received confirmation from Town Attorney Perley that Stuart Shapiro, Esq., law firm of Cohen & Lombardo, has agreed to represent the Town of Boston in Seil vs. Town of Boston lawsuit.

A motion was made by Supervisor Eagan and seconded by Councilman Edington to appoint Stuart Shapiro, Esq., law firm of Cohen & Lombardo, to represent the Town of Boston in the Seil vs. Town of Boston lawsuit, fee of \$130 per hour.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve expense reimbursement for registration, plane fare, hotel (single rate) and a \$200 food allowance for the NYS Association of Towns Conference, February 16-20, 2002.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to renew the Boston Free Library Association Lease and Depository Agreement at the same amount as 2001.

Councilman Mead Voting Aye

Councilman Wiktor Voting Abstain

Councilman Simmeth Voting Aye Councilman Edington Voting Aye

Supervisor Eagan Voting Aye

four (4) Ayes one (1) Abstain Carried

Councilman Wiktor abstained from voting on the renewal of the Boston Free Library Association Lease and Depository Agreement, citing a conflict of interest due to the fact that he is Vice President of the Library Association.

Received a request from the Boston-Colden-East Eden Fire Council

for the Town Board to have Erie County install a traffic control device at the intersection of Boston State and West Tillen Roads.

Received a request from the Boston Fire Company for warning lights on the "stop ahead" signs at the Boston State/West Tillen intersection and a red/yellow flashing light at the intersection.

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Supervisor Eagan commented that after the fatal accident at Boston State/West Tillen Roads he inspected the intersection in the morning and evening and found the intersection to be extremely

dangerous. Supervisor Eagan and Councilman Simmeth met with the Traffic and Safety Committee and ordered a video to be made of the intersection during daylight and evening hours, which will be included in a package to be sent in two weeks to Erie County. In 1997 a Councilman requested that Erie County install a traffic light, in 1998 Councilman Simmeth sponsored a resolution to reduce the speed limit to 35mph. In 2000, two years later we still didn't have a reduced speed limit in that area. This Town Board will do everything we can to see that this issue is addressed.

Mike Spors, 7065 Boston Colden Road: I work at Star Service on the corner of Boston State and West Tillen Roads. A month ago there was a near miss where a car swerved, knocked the guardrails apart and bent the stop sign three feet into our lot. Two days later, Erie County Highway employees inspected it and it is still like that.

Supervisor Eagan responded that he received a letter from Mr. Connley regarding this intersection and that a young lady is interested in preparing a petition, both of which will be included in the package to the county.

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to refer the letters from the Boston-Colden-East Eden Fire Council and the Boston Fire Company regarding the intersection of Boston State and West Tillen to the Traffic and Safety Committee.

five (5) Ayes Carried

Received a request from Timothy and Patricia Kirst requesting permission to build a driveway for their proposed residence (Hickory Meadows Subdiv. Lot #3) on the east side of Roy Place.

Town Attorney Perley commented that the developer is required to convey all streets to the town, which gives the town ownership. The Kirsts would need permission from the Town Board to enter the land to construct a driveway. The Planning Board has continuing jurisdiction over development of the Hickory Meadows subdivision.

In the final approved subdivision plan this lot was oriented toward Hickory Meadows Road with a driveway anticipated on Hickory Meadows Road and the drainage designed for that.

A motion was made by Supervisor Eagan and seconded by Councilman Edington to refer the request of Timothy and Patricia Kirst for a driveway on the east side of Roy Place to the Planning Board for review and recommendation.

five (5) Ayes Carried

RESOLUTION 2002-06 CORRECT 2002 BUDGET

RESOLUTION 2002-07 SUPPORT RESOLUTION ADOPTING RESOLUTION

REGARDING NYS DRINKING WATER REVOLVING FUND

Town Attorney Perley noted that the Southtowns Water Consortium will adopt the resolution regarding the NYS Drinking Water Revolving Fund for consideration at the NYS Association of Towns conference on February 20, 2002.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to change the first agenda review meeting of the month to 6:00 p.m.

five (5) Ayes Carried

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A motion was made by Councilman Edington and seconded by Councilman Simmeth to grant the Boston Historical Society permission to use the Community Room and Kitchen on March 5th, October 1st, and December 3, 2002. A \$50.00 security deposit has been received.

five (5) Ayes Carried

Received a request from Town Justice Bender to appoint John B. Politowski to the position of Substitute Court Officer PT.

Councilman Wiktor inquired if the Erie County Personnel Department supplied the correct title for this position.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to table the appointment of a Substitute Court Officer PT.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the 12/28/01 Transfer of Appropriations Correction as follows:

Abstract #12B: Appropriations 960 .04

From: Fund Balance 909 .04

To: Appropriations 960 .04

Contractual SR8160.4 .04

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor Eagan commented that there was a question concerning payroll checks generated by ADP Company and it appears that the funds have always been identified on payroll checks. Supervisor Eagan will contact the NYS Comptroller to verify if there is a requirement to have the funds identified on payroll checks and noted that he checked other towns and they do it as well for ease in sorting cancelled checks.

Town Attorney Perley noted that the return address window on the ADP envelope was open to what the check was and this was not the case with the town envelopes.

Councilman Wiktor commented that the question never had anything to do with the check. The question was, that in the far right hand corner window, the contents were confirmed as a payroll check and a solid envelope would be preferred.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that regarding the intersection of Boston State and West Tillen he requested Deputy Commissioner of Erie County Highways provide more site visibility and investigate the mailbox on Boston State Road south of Boston Colden Road which hides on-coming vehicles. Highway Superintendent Kreitzbender was not aware that Erie County Highway was notified that the bent sign hindered visibility and neglected to fix it but he will address this with the county.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to grant the Highway Department permission to do a town wide brush pick-up due to the recent storm.

five (5) Ayes Carried

Highway Superintendent Kreitzbender reported that he will meet with FEMA and SEMO representatives regarding a snow declaration.

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TOWN ATTORNEY REPORT

Town Attorney Perley reported that he was in contact with ECWA regarding a resident in Water District #2 who is concerned that he is required to install a pressure reducer. The Town of Boston provides water service to residents but it is the responsibility of the resident to regulate water pressure.

COUNCILMAN REPORT

Councilman Wiktor reported that he attended the EMS Installation Banquet and George Aipple was recognized for 1,313 hours of service in 2001, Warren Berger (35 years), Barb Cudeck (20 years), Jody Powley (15 years), Sean Crotty (10 years), Audrey Hughey (10 years), Diane Helmbrecht (10 years) and Don O'Bryant (5 years).

Councilman Wiktor reported that he attended the Installation Banquet at the North Boston Fire Company. Dianne Skinner was recognized for 25 years of active service in the Ladies Auxiliary, Robin Mead was presented with the Outstanding Service Award, Firefighter of the Year award to David Bernas, and Thomas Edington was installed as the new Chief.

Councilman Wiktor reported that on January 28, 2002 at the Boston-Colden-East Eden Fire Council meeting the main discussion centered on a request for a blinking light/traffic control device for the Boston State/Boston Colden Road intersection. Promoted were scholarships that are available and noted was the number of members who have taken advantage of the scholarship.

Councilman Wiktor announced the next free winter concert at Boston Valley School will be Pat Shea, Feb. 12th at 7:00 p.m.

Councilman Wiktor announced that the Buffalo/Erie County Arts Council awarded a grant of \$2,475 to the Recreation Department which will be used for the summer and winter concert series. The grant is 25% more than received in 2001 and Councilman Wiktor congratulated Recreation Director Clesse for securing the grant.

Councilman Simmeth commented that the residents have his word that he and Supervisor Eagan will put a package together for Erie County and get something done at the Boston State/West Tillen intersection.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for January 2002 was received and is on file in the Clerk's Office.

Supervisor Eagan requested that the Town Clerk provide the Assessor with a copy of the Code Enforcement Officers monthly report to aid in the assessment process.

DOG CONTROL OFFICERS MONTHLY REPORT

A) Dog Control Officers monthly report for January 2002 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for January 2002 was received and is on file in the Clerk's Office.

Deputy Supervisor Hawkins requested that the package being prepared by the Traffic safety Committee for Erie County regarding the Boston State/West Tillen intersection be given to Erie County Legislator McCarville this week so that it may be included in the next Legislative Public Safety Committee meeting.

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A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 8:29 p.m.

DAVID J. SHENK, TOWN CLERK