

Town Board Minutes January 17, 2001

REGULAR BOARD MEETING TOWN HALL

JANUARY 17, 2001 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, and Highway Superintendent Wayne C. Kreitzbender.

Absent: Town Attorney Michael F. Perley.

Rev. Gary Burdick, Faith United Church, opened the meeting with a prayer.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the January 3, 2001 Regular Monthly Meeting and the January 5, 2001 Special Meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #1A, dated January 17, 2001 in the amount of \$41,978.18 be paid.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #1A, dated January 17, 2001, in the amount of \$29,846.54 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff's Report for December 2000.

Received and filed notification from Erie County Executive Giambra that the Town of Boston application for Community Development Block Grant Funds (CDBGF) has been approved for the Southtowns Rural Transit Service in the Amount of \$122,605.

Supervisor Rood commented that the grant application submitted for the Historical Society building was denied. The 2001-2001 Annual Action Plan is on file in the Supervisor's office.

Received and filed notification from the Arts Council in Buffalo and Erie County that the Town of Boston will receive a 2000/2001 Decentralization Grant for \$2,100.

Supervisor Rood applauded the efforts of Recreation Director Clesse and Grants Writer Connie Minor in procuring the Arts Council Grant which will help the summer concerts in the park.

Received and filed a letter from NYS Senator Volker thanking the Town of Boston for requesting support for introducing legislation (Senate Bill 1755) pertaining to PILOT payments by group home sponsors and acknowledging his affirmative senate vote.

Received a letter of congratulations to Supervisor Rood from Senator Volker on being elected Director of the Association of Erie County Governments for 2001.

Supervisor Rood commented that this is her second year as a Director of the Association of Erie County Governments and that she also serves on the Water Committee, the Buffalo Development Fund (BDF) Loan Committee for Erie County and the Project Site Committee for the Community Development Block Grants (CDBG).

Received and filed a letter from David J. Adrian commending the Boston Highway Department on the excellent snow removal services these past two years.

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Highway Superintendent Kreitzbender commented that to alleviate Mr. Adrian's problem with high snow banks, the Highway Department makes wedge cuts in the banks before his driveway.

RESOLUTION 2001 ? 04 RESOLUTION TO DECLARE THE INTENT TO BE

LEAD AGENCY FOR THE COMPREHENSIVE PLAN

Received and filed a letter from Kevin G. Maxwell requesting re-appointment to the Planning Board.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to re-appoint Kevin G. Maxwell to the Planning Board, term to expire on February 1, 2008.

five (5) Ayes Carried

Received and filed a letter from the Planning Board recommending approval of the Conceptual Site Plan submitted by Southtowns Rural Preservation Company for the construction of an addition to the facility at 9441 Boston State Road, contingent upon applicant meeting Town Code requirements for site plan approval.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the following Planning Board 2001 officers :

Chairman ? Paul Jusko

Vice Chairman - Patricia Hacker

Secretary - Kevin Maxwell

five (5) Ayes Carried

Received and filed a Planning Board recommendation of approval of a request from Thomas R. Williams, 5330 Keller Road, for a three-year extension of a Special Permit for a Ham Radio Antenna.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to table the request of Thomas R. Williams, 5330 Keller Road, to renew his Special Permit for a Ham Radio Antenna pending review by Town Attorney Perley.

five (5) Ayes Carried

Received and filed a recommendation of approval from the Planning Board dated November 17, 2000, for the Site Plan Review submitted by Evans National Bank with the following requirements:

- 1) favorable recommendation from Town Engineer or Engineer's conditions, if any, are met
- 2) site plan amended to meet criteria in Richard Brox letter of November 14, 2000
- 3) plan amended showing addition of directional median in the ingress/egress area along Boston State Road. Redesign to be a best effort attempt to abate traffic concerns for area.

Received and filed notification from R & D Engineering, dated January 16, 2001, that drainage plan/calculations for the proposed Evans National Bank branch in North Boston has been adequately addressed and that the drainage plan has been modified.

A motion was made by Supervisor Rood and seconded by Councilman Mead to table action on the Evans National Bank Site Plan Review for 7205 Boston State Road upon receipt of a final plan.

five (5) Ayes Carried

James Carr, 7231 Boston State Road, noted that on the site plan he has for the proposed Evans Bank in North Boston, elevations specified put the back of his property 41 inches below top of pavement, the center 34? below and the front 15? below. The entire site will be raised with a retaining wall holding the earth from his property, which was not on original plan. Mr. Carr requests he be informed of Planning Board meetings on this issue.

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Supervisor Rood gave Mr. Carr the telephone number of Robert Harris, R & D Engineering who is working on the Evans National Bank drainage plans.

A motion was made by Councilman Wiktor and seconded by Supervisor Rood to refer back to the Planning Board the Evans National Bank Site Plan Review for 7205 Boston State Road pending a recommendation based on receipt of all pertinent information and documentation addressing concerns of adjoining landowners, ingress and egress, points of Richard Brox letter dated 11/14/00, final landscape plan, and lighting plan.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to approve the Annual Audit conducted by the Town Board of all Town Officials controlling funds and to accept the Town Justices, Town Clerk, Tax Collector, and Dog Control Officer Annual Reports for 2000.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to authorize the attendance of Supervisor Rood, Town Clerk Shenk, Councilman Tills, Town Justice Bender, Town Justice Maxwell, Court Clerk Kummer and ZBA Member Katherine Praczkajlo at the NY City Association of Towns Annual Conference on February 17-21, 2001 and approve expense reimbursement for registration, plane fare, hotel (single rate), and \$150 food allowance.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to appoint Councilman Tills as the Delegate and ZBA Member Katherine Praczkajlo as the Alternate Delegate for the Association of Towns Annual Conference.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to grant Court Clerk Wendy Kummer a leave of absence from her Civil Service position as Clerk Typist, P.T.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Rood to grant the Hillfest Committee use of the Boston Town Park Complex for the 3rd Annual Boston Hillfest July 21st and 22nd, 2001. Set up will begin on July 18th, 2001. Also requested is the Community Room and Kitchen for the Corn Beef and Cabbage dinner on March 18, 2001. Alcoholic beverages may be served.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to grant the Boston Democratic Club permission to use the Lions Shelter, Town Park and Community Room for the 40th Annual Easter Egg Hunt on Saturday, April 7, 2001. A \$50.00 security deposit has been received.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to grant the Boston Historical Society permission to use the Community Room/Kitchen on March 6th, October 2nd, and December 4th, 2001 for public meetings. A \$50.00 security deposit has been received.

five (5) Ayes Carried

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SUPERVISOR REPORT

Supervisor Rood reported that the 2001 tax rates for Erie County Sewer District #3 Boston Valley Extension are going down \$30.00 from \$195 to \$165. A frontage charge will be assessed at \$1.25 per foot. Capital will be going down \$.06 and maintenance will go down \$.03 per thousand.

Supervisor Rood announced that a contract has been signed for the Town of Boston to purchase 17.48 acres of land at a cost of \$103,500. The purchase will allow the town to develop soccer fields and consider a youth/senior building. Grants and Member Item Requests from Senator Volker and Assemblyman Smith will be sought for funding.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to authorize Supervisor Rood to secure an appraisal from an approved appraiser for the property on Boston State Road.

five (5) Ayes Carried

Supervisor Rood announced that the Town of Boston Highway Department will receive \$15,600 from FEMA for the snowstorm of November 21st and December 22nd, 2000.

Supervisor Rood reported that a pre-construction meeting was held for Water District #3, Contract #1. The district will encompass Chestnut Ridge Road and side streets. Fairway Contracting Inc. will begin digging on Monday, January 22, 2001 and there will be a total of 14,000 feet of line laid to service 128 houses. Supervisor Rood urged all citizens to exercise care because of the equipment on the roads. It is projected that this portion of the contract will be completed in May or June 2001 and the restoration will be done in spring.

Supervisor Rood announced that on January 31, 2001 she is hosting a meeting regarding opening up trails in county parks. Legislator Chase, Legislator McCarville, Erie County Parks Commissioner Jasinski, and many area horsemen are invited. Erie County is the only county that has no open bridle paths in parks.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that he attended an Erie County Highway Association meeting and noted that 2% or 3% FEMA administrative costs is to be shared between Highway Superintendents and Supervisors. Highway Superintendent Kreitzbender is declining this reimbursement, stating that he does not feel he is entitled and that he receives a salary which includes emergencies. He requests that the Town Board consider purchasing hand held radios or a large electric flashlight.

Highway Superintendent Kreitzbender thanked the Town Board for honoring his request for a vehicle replacement plan, which allowed his department to do the job. He thanked his crew who worked many hours without complaining.

Supervisor Rood commented that she was quite surprised that Highway Superintendents are taking FEMA administrative fees and feels this is double dipping because they are being paid to do a job. According to the Highway Superintendents Association, the Highway law and/or for Supervisors, emergencies are not part of normal duties. Supervisor Rood stated she is also declining the 3% administrative fee and noted that two years ago when there was a flood she personally wrote all FEMA applications, worked with FEMA and took no administrative fees. This year the Grants Writer assisted with the applications and the 3% administrative fee could be used to pay her \$10,000 a year salary.

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COUNCILMAN REPORT

Councilman Mead read an article from the Concord Highway Department that explains compensation for work performed during emergencies. Councilman Mead commented that he would like to see the FEMA compensation fees return to the town for the purchase of emergency equipment with Town Board approval.

Councilman Wiktor commended the Highway Superintendent and the Supervisor for the declination of the FEMA administrative fees.

Councilman Wiktor reported that the Patchin Fire Company will hold a drill at the Boston Highway Garage.

Councilman Wiktor reported that on January 13, 2001 he attended a Southtowns HAZMAT meeting and the Hazmat building in Blasdell has been cleaned and sanitized after the last flooding. The Hazmat Team is still looking for another building.

Councilman Simmeth commented that he and many residents he has talked to, commend Highway Superintendent Kreitzbender and crew for keeping the Boston roads clean and safe.

Councilman Tills reported that he attended the Hillfest meeting on January 16, 2001. The committee meets the third Tuesday of each month at 7:00 p.m. and is seeking volunteers.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer's Annual for 2000 was received and is on file in the Clerk's Office.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adjourn the meeting at 8:20 p.m.

DAVID J. SHENK, TOWN CLERK