

## Town Board Minutes January 2, 2002

REGULAR BOARD MEETING      TOWN HALL

JANUARY 2, 2002      7:30 P.M.

Present were Councilman Damian P. Wiktor, 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 December 19, 2001 regular meeting.

four (4) Ayes      Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the December 28, 2001 year-end meeting.

four (4) 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 #1, dated January 2, 2002 in the amount of \$8,781.58 be paid.

four (4) Ayes      Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon Town Board review, that Highway Bills on Abstract #1, dated January 2, 2002 in the amount of \$3,694.60 be paid.

five (5) Ayes Carried

#### REQUESTS FORM THE FLOOR

Recreation Director Clesse announced Boston's 2002 Free Winter Concert Series on Tuesdays, 7:00 p.m., January 15th, February 12th and March 12th at Boston Valley School.

Received a letter of resignation from Town Justice Patricia A. Maxwell from the position of Boston Town Justice.

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to accept the resignation of Town Justice Patricia Maxwell from the position of Town Justice, effective December 31, 2001.

four (4) Ayes Carried

Received a letter of resignation from Councilman Stephen K. Tills from the position of Councilman.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to accept the resignation of Councilman Stephen K. Tills from the position of Councilman, effective January 2, 2002 at 12:00 p.m.

four (4) Ayes Carried

Received a letter requesting appointment to the position of Councilman from Thomas A. Edington.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to appoint Thomas A. Edington to the position of Councilman, term to expire December 31, 2002.

four (4) Ayes Carried

Town Attorney Perley administered the oath of office to Councilman Thomas A. Edington.

Councilman Edington joined the Town Board at 7:40 p.m.

REGULAR BOARD MEETING TOWN HALL

JANUARY 2, 2002 7:30 P.M.

Received a letter requesting appointment to the position of Town Justice from Stephen K. Tills.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint Stephen K. Tills to the position of Town Justice, term to expire December 31, 2002.

five (5) Ayes Carried

Town Attorney Perley administered the oath of office to Town Justice Stephen K. Tills.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to appoint the following:

APPOINTMENT TITLE TERM

Michael F. Perley Town Attorney 12/31/03

Joseph G. Terrizzi Dep. Town Attorney/Prosecutor 12/31/02

Richard Hawkins Deputy Supervisor 12/31/02

Julie Costello Assistant to Supervisor 12/31/02

Karen A. Ellis Deputy Town Clerk 12/31/03

Dennis J. Kramer Code Enforcement Officer, PT 12/31/02

Frank H. Lisowski Jr. Dep. Code Enforcement Off, PT 12/31/02

Richard P. Waszak Dog Control Officer, PT 12/31/02

Donna Huson Dep. Dog Control Officer, PT 12/31/02

Marilyn B. Clesse Recreation Director, PT 12/31/02

John D. Politowski Court Officer, PT 12/31/02

Wendy Kummer Court Clerk 12/31/02

Kathleen Selby Bookkeeper 12/31/02

Thelma Faulring Secretary to Boards/Committees 12/31/02

Joyce Rote Clerk, PT 12/31/02

Eileen Hopkins Clerk, PT 12/31/02

Mary Ann Jehle Town Historian 12/31/02

Margaret Edington Bingo Inspector 12/31/02

Theresa Horschel Nutrition Prog. Director, PT 12/31/02

Joyce Thurber Asst. Nutrition Director, PT 12/31/02

Leo Jensen Laborer PT 12/31/02

Joyce Carr Marriage Officer 12/31/02

Herbert Klein Liaison - Cobblehill Cemetery 12/31/02

Wayne Kreitzbender Parks Superintendent 12/31/03

David J. Shenk Registrar 12/31/03

Karen A. Ellis Deputy Registrar 12/31/03

five (5) Ayes Carried

Town Clerk Shenk administered the oath of office to Town Attorney Perley.

Town Attorney Perley administered the oath of office to the new appointees.

Appointments of the Town Board Liaisons by Supervisor Eagan for the year 2002 are as follows:

Councilman Wiktor      Fire Companies, Emergency Squad,

Haz-Mat, Parks & Recreation, Investment

Advisory Committee

Councilman Simmeth      Traffic Safety and Highway, Street Lighting, Drainage, Cable T.V.

Councilman Mead      Senior Citizens, Nutrition Program, Chamber of Commerce, Planning Board,  
Insurance, Creative Playground

Councilman Edington      Conservation Advisory Council, Solid Waste, South Boston Park, Christmas  
Lighting

REGULAR BOARD MEETING      TOWN HALL

JANUARY 2, 2002      7:30 P.M.

Supervisor Eagan made the following 2002 Committee Appointments:

AUDIT COMMITTEE

Town Board Members

TRAFFIC SAFETY AND ROADWAYS COMMITTEE

Councilman Simmeth-Chairman Sgt. John McGee

David Carpenter      Hwy. Supt. Kreitzbender

INSURANCE COMMITTEE

Councilman-Mead      Brian Baty Town Attorney Perley Supervisor Eagan

CREATIVE PLAYGROUND COMMITTEE

Councilman-Mead      Leo Jensen

Eric Pearlstein      Councilman Wiktor

SENIOR CITIZENS COUNCIL GROUP #1

Dolores Seufert-President      Caroline Burkard

Theresa Gresco Tony Collett

Pearl Emerling Jack Seufert      Harold Rockwood      Art May      John Snyder      Greg Hahn

Erma Kern      Mary Nabor

SENIOR CITIZEN COUNCIL GROUP #2

Betty Cunningham-President      Ginnette Bellittiere-V.P. Joyce Carr-Secretary      Marion Igel-Treasurer

Richard Waszak Valentine Bezilla

Lawrence Steward      Joyce Rogers

Margaret Abbott      George Novak

INVESTMENT ADVISORY COMMITTEE

Councilman Wiktor-Chairman    Town Attorney Perley Mark Flaherty    Town Board Members  
Designated Reps of Boston, N. Boston and Patchin Fire Co.

SOLID WASTE AND REFUSE COMMITTEE

Councilman Edington-Chairman    Town Attorney Perley    Supervisor Eagan    Town Clerk Shenk

INSPECTION COMMITTEE

Code Enforcement Officer Kramer    Town Board Members

Dep. Code Enforcement Off. Lisowski

CABLE TV COMMITTEE

Councilman Simmeth-Chairman    Supervisor Eagan

Councilman Wiktor    Town Attorney Perley    Mark Flowers

DRAINAGE COMMITTEE

Councilman Simmeth-Chairman    Hwy. Supt. Kreitzbender    Michael Aamodori    Joseph Redman

Kevin Maxwell

ZONING REVIEW COMMITTEE

Town Board    Town Planner Brox

Town Attorney Perley    Code Enfor. Off. Kramer

Kevin Maxwell    Ralph Gibson

REGULAR BOARD MEETING    TOWN HALL

JANUARY 2, 2002    7:30 P.M.

SAFETY COMMITTEE

Town Clerk Shenk-Chairman    Supervisor Eagan    Hwy. Supt. Kreitzbender    Peter Archbold  
Raymond Worth Dennis Kramer

James Pluta    Frank Yandura

Louise Manista    Kenneth Manista    Sean Crotty    Jenny Crotty

RECREATION ADVISORY

Paul Becker-Chairman    Leigh Emerling

Kevin Maxwell    Gary Klump

James Reichert    Jerry Lindsey

Tom Lanham    June Telaak

RECORDS COMMITTEE

Town Clerk Shenk-Chairman    Supervisor Eagan

Karen Ellis    Leo Jensen

#### DEFERRED COMPENSATION

Karen Ellis-Chairman    Councilman Wiktor

Brian Baty    Supervisor Eagan

#### CHRISTMAS LIGHTING

James Carr    Tom Edington

David Gwynne    Edwin Gwynne    Douglas Hellman    Vern and Judy Heiler

Diane Helmbrecht    Donald Genzel

David Dix    James Koester

Benjamin WhiteRichard Lee

Robert Marean    Doris Pilato

Richard Poisson    Frederick Shear

Carole Bieler    Margaret Edington

Ronald Fluker    Florence Weiss

William Waite    Donald O'Bryant

Maryann Jehle Joseph Santonocito

Val Bezilla Norman Pfeffer

Richard Banko Warren Fleckenstein

John MarchindaEdward Cary

Herbert Klein Lawrence Steward

A motion was made by Councilman Wiktor and seconded by Councilman Mead to appoint the following to the Capital Improvements Committee:

Supervisor Eagan-Chairman Town Attorney Perley

Connie Miner Councilman Mead

Richard Hawkins Kevin Maxwell

Robert Harris Richard Proy

Michael Pohl

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

JANUARY 2, 2002 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to establish the following Salary Schedule for 2002:

Position	Salary
Deputy Supervisor, PT	500/Yr.
Assistant to the Supervisor	20,600/Yr.
Bookkeeper	20,200/Yr.
Clerk-Typist, PT	10.00/Hr.
Clerk to Justices	21,950/Yr.
Assessment Clerk, PT	9,800/Yr.
Clerk, PT	10.00/Hr.
Town Attorney	24,500/Yr.
Dep. Attorney/Prosecutor	11,180/Yr.
Court Officer, PT	3,800/Yr.
Court Officer, Sub	75.00 night
Deputy Town Clerk	22,600/Yr.
Secretary to Boards	10.00/Hr.
Recreation Director, PT	8,000/Yr.
Code Enforcement Officer, PT	11,250/Yr.
Dep. Code Enforcement Officer, PT	5,500/Yr.
Dog Control Officer, PT	8,000/Yr.
Dep. Dog Control Officer, Enumerator PT	3,625/Yr+\$1 per dog
Nutrition Program Director	7.25/Hr.
Asst. Nutrition Program Director	7.25/Hr.
Laborer, PT - Town Hall	9.25/Hr.
Bingo Inspector	36.00/Per Insp.
Assessor, PT	23,000/Yr.
Cobblehill Cemetery Liaison	300/Yr.

Records Management Officer No Salary

Registrar of Vital Statistics 1.00/Yr.

Dep. Registrar of Vital Statistics 1.00/Yr.

Marriage Officer No Salary

Town Historian 2,300/Yr.

Parks Superintendent 4,350/Yr.

Town Planner 1,900/Yr.

Election Inspectors - Per Day

Primary Day 119.00

Chairman 15.00

Election Day 119.00

School 30.00

Highway Department

Per Collective Bargaining Agreement

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to designate the North Boston Branch of the Evans National Bank as the official bank for the Supervisor, Town Clerk, Town Justice's, and Tax Collector and Dog Control Officer.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to schedule the dates and times for the Regular Monthly Meetings and Agenda Review as follows:

Town Board Meeting - First and third Wednesday

of each month at 7:30 p.m.

Agenda Review - Monday prior to the first

Wednesday of each month at

7:00 p.m. and if this is a

is a holiday, the sessions

will be held on the

following day at 7:00 p.m.

and on the third Wednesday

at 6:15 p.m.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

JANUARY 2, 2002 7:30 P.M.

A motion was made by Councilman Edington and seconded by Councilman Simmeth to designate the Springville Journal and the Hamburg Sun of H & K Publications as the Official Town Co-Newspapers.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington to set the payment of salaries for 2001 as follows:

Bi-weekly checks to the Town Clerk, Deputy Town Clerk, Supervisor, Assistant to the Supervisor, Highway Superintendent, Lead Man, Bookkeeper, Court Clerk, Clerk Typist, Assessor, Assessment Clerk, M.E.O.'s, Truck Drivers and Laborers P/T, all others are paid on a monthly basis.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to appoint Councilman Edington as a Representative on the NEST (Northeast-Southtowns) Solid Waste Management Board and Lynn Zachman as an alternative, term to expire December 31, 2002.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to authorize the Supervisor and the Tax Collector to invest surplus monies.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington to accept the investment policy previously adopted by the Town Board where idle town monies may be invested, subject to any further regulation from the State Comptroller pursuant to section 39 of the General Municipal Law as follows:

1. Obligations of Federal Government - Treasury Notes,  
Treasury Bills, etc.
  
2. Obligations of Federal Agencies Guaranteed by the  
Government.
  
3. Obligations of the State of New York
  
4. Certificates of Deposit in Commercial Banks which are  
FDIC insured.

5. Regular Savings Accounts, Money Market Accounts in Commercial Banks if proper securities are provided for all monies invested in excess of amt. secured by FDIC.

6. Tax Anticipation Note and Revenue Anticipation Notes of another municipality, district, corporation or school district, any other investments not listed will require prior approval by the Town Board and be in conformance of all state statutes.

The Town Supervisor will keep a record of all such investments and provide a report to all Town Board Members monthly.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize the use of a signature stamp and a check writer machine by the Supervisor as required by the State Comptroller.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

JANUARY 2, 2002 7:30 P.M.

A motion was made by Councilman Edington and seconded by Councilman Mead to set the town mileage rate at \$.32 per mile.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule the Annual Audit Meeting for January 16, 2002 at 6:00 p.m. and direct the Town Clerk to notify all personnel who handle monies to attend.

five (5) Ayes Carried

A motion was made by Councilman Edington and seconded by Councilman Simmeth to authorize lending funds from one account to another.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington to approve form and sufficiency of the bonds.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Edington to direct the Town Clerk to send letters to refuse collectors for annual payment of fees.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington to assign the following work days to be reported to NYS Retirement for elected and appointed Town Personnel with six (6) hours being designated as a work day for NYS Retirement purposes:

Town Justices

Supervisor

Dep. Town Attorney/Pros.

Councilman

Deputy Supervisor

Code Enforcement

Deputy Code Enforcement

Assessor

Town Attorney

Court Officer

Recreation Director

Assessment Clerk

Nutrition Director

Asst. Nutrition Director

five (5) Ayes    Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to assign the following work days to be reported to NY State Retirement for elected and appointed Town Personnel as full time based on a seven (7) hour work day for NYS Retirement purposes:

Town Clerk

Superintendent of Highways

Deputy Town Clerk

Bookkeeper

Assistant to Town Supervisor

Court Clerk

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Councilman Edington to approve the Public Improvement Specifications agreed upon by the Highway Superintendent and the Town Engineer.

five (5) Ayes    Carried

REGULAR BOARD MEETING    TOWN HALL

JANUARY 2, 2002      7:30 P.M.

A motion was made by Councilman Edington and seconded by Councilman Simmeth to set Petty Cash funds as follows:

Supervisor	\$ 25.00
Town Clerk	300.00
Town Justices	100.00
Highway Superintendent	25.00
Recreation Director	300.00

five (5) Ayes      Carried

RESOLUTION 2002 - 1 PROCUREMENT POLICY

RESOLUTION 2002 ? 2 RESOLUTION TO ADOPT SCHEDULE OF FEES

FOR THE TOWN OF BOSTON

A motion was made by Councilman Wiktor and seconded by Councilman Mead to set the following 2002 Holidays for the Town of Boston:

Jan. 1, Tues.-New Year's Day, Jan. 21, Mon.-Martin Luther King, Feb. 18, Mon.-President's Day, March 29, Fri.-Good Fri., May 27, Mon.-Memorial Day, July 4, Thurs.- Independence Day, Sept. 2, Mon.-Labor Day, Oct. 14, Mon. - Columbus Day, Nov. 5, Tues.-Election Day, Nov. 11, Mon.-Veteran's Day, Nov. 28, Thurs.-Thanksgiving Day, \*Dec. 24, Tues.-1/2 Day Christmas Eve, Dec. 25, Wed. Christmas, \*Dec. 31, Tues.-1/2 Day New Year's Eve.

\*Half day applies only to Town Hall employees. These half days are not observed by Highway Department employees who receive one more Personal Day than Town Hall employees.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington to appoint R&D Engineering, P.C. as the Town Engineering Firm at the same annual fee as in 2001, with the stipulation that Foit Albert & Associates will do surveying work not able to be performed by R&D Engineering, term to expire December 31, 2002.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of the Planning Board, to re-appoint Richard Brox as Town Planner, at the same fee as 2001, term to expire December 31, 2002.

five (5) Ayes Carried

#### SUPERVISOR REPORT

Supervisor Eagan commented that he is looking forward to the next four years working for this community and he appreciates the cooperation he has received from the Town Board.

Supervisor Eagan welcomed Councilman Edington.

Supervisor Eagan quoted from an article by Amherst Supervisor Susan Grelick, noting that this is the direction we are going in Boston: "Let us all resolve to respect each others diversities but with an equal intensity let us commit ourselves to rise above the pettiness of partisan politics, of personal attacks and prejudices."

## TOWN CLERK REPORT

Town Clerk Shenk commented that he is looking forward to a great working relationship with Supervisor Eagan and Councilman Edington and noted that his door is always open.

## REGULAR BOARD MEETING      TOWN HALL

JANUARY 2, 2002      7:30 P.M.

## HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender congratulated Councilman Edington and Justice Tills on their new appointments.

Highway Superintendent Kreitzbender reported that he was notified by Erie County to provide figures for FEMA compensation for the recent 2001 storm.

Supervisor Eagan commended Highway Superintendent Kreitzbender and the Boston Highway Department for a good job on snow removal.

## TOWN ATTORNEY REPORT

Town Attorney Perley welcomed Supervisor Eagan and Councilman Edington to the Town Board noting that he looks forward to working with them throughout his term as Town Attorney.

Town Attorney Perley congratulated Justice Tills and wishing him a good term on the bench knowing he will serve the town well as his father served so well for so long.

Town Attorney Perley welcomed the students from the government class in attendance.

Town Attorney Perley commented that he will employ Foit Albert Associates to prepare a boundary survey for the Creekside Apartments and the proposed turn-a-round on Chestnut Lane.

Town Attorney Perley reported that regarding Rita Seil vs. Town of Boston lawsuit, previously handled by the Town insurance company, disclaimers were received from the insurance companies requiring that the town be defended in the lawsuit and declaratory judgement action begin against the two involved carriers. Due to the substantial nature of this litigation, under his salary as Town Attorney and other duties, it is not possible for the Town Attorney Perley to handle this case. Town Attorney Perley noted that in the reasonably near future he will join the firm of Hurwitz & Fine, P.C. as a partner however he does not believe this presents a conflict of interest.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize Town Attorney Perley to employ the firm of Hurwitz & Fine, P.C., at an hourly rate of \$125 per hour, to evaluate the lawsuit and prepare a declaratory judgement lawsuit on behalf of the Town of Boston vs. Rita Seil, contingent upon review of the law by Town Attorney Perley that no conflict of interest exists with Hurwitz & Fine, P.C. representing the town.

five (5) Ayes    Carried

#### COUNCILMAN REPORT

Councilman Mead congratulated the new Supervisor, Councilman, and Judge noting that he looks forward to working with them during the next four years. Councilman Mead also congratulated the new appointees.

Councilman Wiktor congratulated Councilman Edington, Justice Tills, Supervisor Eagan, the new appointees, the Highway Superintendent and his crew and also welcomed the students in attendance.

Councilman Simmeth congratulated Justice Tills and welcomed Supervisor Eagan and Councilman Edington to the Town Board.

Councilman Simmeth announced that in 2002 the Town Board will be working on projects such as Water District #3, the renovation and or new construction of the NYS Police Barracks and improvements to the town recreation program.

REGULAR BOARD MEETING      TOWN HALL

JANUARY 2, 2002          7:30 P.M.

#### COUNCILMAN REPORT (CONT.):

Councilman Simmeth congratulated Town of Boston resident, seventeen year old Markus Matyas, who won a Hamburg High School indoor Track & Field tournament in Fredonia with a toss of 40 feet 9 inches.

Councilman Simmeth thanked Highway Superintendent Kreitzbender and his crew for a good job during the recent snowstorm.

Councilman Simmeth thanked town hall employees for a job well done in 2001 commenting that they performed their duties in a professional manner that reflect an efficient and effective government. Councilman Simmeth will work with fellow Town Board members to establish a Salary Review Committee to guide the Town Board in determining salaries and fair compensation to all town hall employees.

Councilman Edington thanked Supervisor Eagan, the Town Board, Town Clerk and Highway Superintendent for the warm welcome.

Councilman Edington congratulated Justice Tills and the new appointees on their appointment.

#### CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for December 2001 was received and is on file in the Clerk's Office.

#### DOG CONTROL OFFICERS MONTHLY REPORT

A) Dog Control Officers monthly report for December 2001 was received and is on file in the Clerk's Office.

#### TOWN ENGINEER REPORT

A) Town Engineer's 2001 Annual Report was received and is on file in the Clerk's Office.

#### PLANNING BOARD REPORT

A) The Planning Board 2001 Annual Report was received and is on file in the Clerk's Office.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to appoint the Chairman and accept the Planning Board Officers for 2002 as follows:

Chairman - Paul Jusko

Vice Chairman ? Patricia Hacker

Secretary - Kevin Maxwell

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:26 p.m.

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DAVID J. SHENK, TOWN CLERK