

Town Board Minutes January 21, 2004

REGULAR BOARD MEETING TOWN HALL

JANUARY 21, 2004 7:30 P.M.

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

Absent: Highway Superintendent Wayne C. Kreitzbender

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

Supervisor Eagan noted a proposal dated January 15, 2004 from the Towns' newly appointed accounting firm, Toski, Schaefer & Co. stating that they will assist the Town in evaluating the internal process of the Highway & Parks Departments and review the Town's internal controls over purchasing the procurement practices.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to authorize the supervisor to sign the Toski, Schaefer and Co. proposal dated January 15, 2004.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan to retain outside council to review the practices and procedures of The Boston Highway Department. This council will then render a report to the Town Board involving any specific recommendations for improving the department's operation.

five (5) Ayes Carried

Councilman Simmeth noted that he spoke with the other board members about this and all feel that this would be good protection for everyone involved.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the January 7, 2004 meeting with the following corrections:

Current motion:

A motion was made by Councilman Mead and seconded by Councilman Simmeth to authorize the following: attendance for the Association of Towns Annual Training Conference from February 14-18, 2004 and to approve expense reimbursement for registration, plane fare, hotel single rate, and a \$200 food allowance. Also, designate Supervisor Eagan as the delegate and Town Justice Bender as the alternate at the Association of Towns Annual Meeting.

five (5) Ayes Carried

Proposed change:

A motion was made by Councilman Mead and seconded by Councilman Simmeth to authorize the following: Attendance of Supervisor Eagan, Town Justice Bender and Assessor Hornberger to the Association of Towns Annual Training Conference from February 14-18, 2004 and to approve expense reimbursement for registration, plane fare, hotel single rate, and a \$200 food allowance. Also, designate Supervisor Eagan as the delegate and Town Justice Bender as the alternate at the Association of Towns Annual Meeting.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

JANUARY 21, 2004 7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Hopkins upon review by the Town Board, that fund bills on the Abstract dated January 15, 2004 in the amount of \$ 73,714.80 be paid.

five (5) Ayes Carried

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

Received a letter from Carol M. Brownschidle, 6878 Omphalius Road regarding the location of mailboxes, North side of Omphalius Road, West of Eddy Road and lack of snow removal by the Town.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to refer the letter from Carol M. Brownschidle to the Town Highway Department for immediate attention regarding road construction and the location of mail boxes North side of Omphalius Road, West of Eddy road. Post road construction changes and lack of snow removal by Town Highway.

five (5) Ayes Carried

Supervisor Eagan stated that there were new aprons put in along side of the road, but the house side of those aprons have not been restored or brought up to par because the construction is not complete yet. This makes mail delivery difficult on the postal carriers part.

REQUESTS FROM THE FLOOR

Edward Mye, 9235 Dunn Road: I would like to comment on how well the Highway Department has done on maintaining Dunn Road except for the area at the top of the hill. This is the most important area because it is the blind part and it is narrow. My children are here tonight because they wanted to hear what was going on with the road. They are the ones that have to walk it. I wanted to know what has happened since the last meeting?

Supervisor Eagan received a report from Town Engineer, Foit-Albert regarding the Dunn Road issue. Supervisor Eagan described Option #1, which involves reconstructing Dunn Road to bring it up to town standards with an estimated cost of \$1.5 million. Option #2 would involve the minimal construction to improve Dunn Road with an estimated cost of \$40,000.

Supervisor Eagan: It's the Highway Superintendent that will make this decision. Assuming this happens, you would have to deal with the school as far as getting their decision. We will try to eliminate this one problem for them not being able to go down Dunn Road with a bus. We informed the engineer that we need to make this road safe for the kids and for a bus. The Board just received copies of this letter tonight in their packets. We will have further discussion on this. We need to see when the Highway Department wants to schedule it and from where we are going to appropriate the funds. This is not something that we had the ability to do yesterday.

Edward Mye: I understand. I see that there is progress happening. It sounds like this might possibly happen by spring. Thank you very much.

REGULAR BOARD MEETING TOWN HALL

JANUARY 21, 2004 7:30 P.M.

Herbert Klein, 7690 Back Creek Road: Last month I was here and spoke with you regarding the safety of the children at Boston Valley Elementary. I made a couple of suggestions and followed them up this past month. Charles Bradyl, who owns the vacant land on Back Creek Road, North of the school, said the school already owns property to the North. The fence line there follows the bank rather than their property line. So, they do have some property where they could put a tile in and make their driveway come out more at a 90 degree angle. I had lunch this week with Peter Roswell and Eric Pearlstein of the Hamburg School District and made my suggestions to them. Another suggestion that I thought of since last month was that you might get approval to put a freestanding sign in the center of the road. The school maintenance people could place this sign there at the time when buses are entering and leaving the school. Once you see that sign, that slows traffic down.

Councilman Hawkins: I appreciate your comments and thank you for the sign idea. I've also met and talked to Mr. Charles Bradyl and Mr. Pearlstein and requested a letter from Mr. Pearlstein and the school system to address to this town board with what they would like us to do. In the next few weeks there will also be petitions going out for not only Back Creek, but also probably all of the school. My main concern right now is to get a 15 mile an hour speed sign up there to slow people down for the safety of our children. We need to do this until we can figure out whether the school can change that entranceway. The bottom line is slowing people down in front of the school. If you go down to Abbott, there is a 15 MPH speed zone through that school. The signs show from 7 a.m. to 6 p.m., Monday ? Friday. I appreciate your help.

Richard Schunk, 7691 Boston State Road: I came down to discuss an overweight, commercial vehicle that is a next door to me. I spoke with Code Enforcement Officer Kramer briefly before this meeting started, and I just want the record to show that Code Enforcement Officer Kramer agreed that the vehicle would be cited as of January 22, 2004.

Received 2004 Annual Blanket Highway Work Permit from National Fuel.

Town Clerk Shenk informed the Board that the permit reads the same as it did in 2003. However, he has not heard from Highway Superintendent Kreitzbender on whether he has any reservations on approving it again this year. The Board can either approve it or wait for a recommendation from him.

Councilman Mead: Does this have to be done right away?

Town Clerk Shenk: I'm sure that National Fuel is interested in receiving it as soon as possible.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to table the 2004 Annual Blanket Highway Work Permit from National Fuel until recommendations are received from Highway Superintendent Kreitzbender

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve St. John the Baptist Roman Catholic Church

use of the Lion Shelter facility on June 12, 2004.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

JANUARY 21, 2004 7:30 P.M.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve the Annual Audit conducted by the Town Board of all Town Officials controlling funds and to accept the Town Justices, Town Clerk and Tax Collector Annual Reports for 2003.

Five (5) Ayes Carried

RESOLUTION 2004 ? 3 IN SUPPORT OF THE REMOVAL OF NEW YORK STATE THRUWAY TOLLS

RESOLUTION 2004 ? 4 NYSEG SETTLEMENT AND RELEASE AGREEMENT

Supervisor Eagan read a letter from Patricia J. Hacker requesting to be re-appointed to the Town of Boston Planning Board.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to re-appoint Patricia J. Hacker to the Planning Board, term to expire February 1, 2011.

Five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to authorize Supervisor Eagan to sign a purchase agreement for the acquisition of the Cary property.

Five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to authorize the transfer of \$10,000 from Contingency A1990.4 to Purchase of Land A1940.0.

five (5) Ayes Carried

Received and filed a report from Deputy Code Enforcement officer regarding Sprague Mobile Home Park.

Mr. Richard Boyd asked if the Mobile Home Park was approved.

Supervisor Eagan: No, sir. But, you will be hearing from us within a couple days.

Town Attorney Vacco: I'm going to recommend to the Town Board that there be a conditional approval of the license. But, not until they have had the opportunity to sit down and set forth those specific conditions that they are going to place on that conditional approval. Then, I will request that it be placed on the agenda at the next board meeting.

Deputy Code Enforcement Officer Lisowski: Please replace the word "guidelines" with "conditions" on my report.

Mr. Boyd: May I have a copy of that?

Town Clerk Shenk: See me after the meeting.

Received a recommendation from the Boston Planning Board recommending approval of the site plan for 5699 Herman Hill Road, Amy's Place.

A motion was made by Councilman Hopkins and seconded by Supervisor Eagan on the recommendation of the Planning Board to approve the site plan for 5699 Herman Hill Road, Amy's Place.

Five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

JANUARY 21, 2004 7:30 P.M.

RESOLUTION 2004-05 AMEND THE PROCUREMENT POLICY

SUPERVISOR REPORT

A) The Supervisor's Financial Report for December 2003 was received and is on file in the Town Clerk's Office. 2003 expenses not entirely received. A final December 31, 2003 report forthcoming.

Supervisor Eagan thanked Senator Volker for coming up with \$24,700 in grant money and complimented Councilman Simmeth for pursuing these funds.

Supervisor Eagan read a request from the Town's Assessor to review the purchase of land on Liebler Road. A copy of that request will be given to the Board Members.

TOWN CLERK REPORT

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the Town Clerk's monthly report for December 2003.

five (5) Ayes Carried

COUNCILMAN REPORT

Councilman Mead stated the WNY Snowmobile Club approached him. They have been working on trying to acquire the use of the Niagara Mohawk Power Line that runs through the Town of Boston and Concord to be used as a designated snowmobile trail for the allotted times that the other trails are used for.

Councilman Mead read a letter that he drafted to Niagara Mohawk stating that the Town Board unanimously recommends the use of Niagara Mohawks lands for the use as a snowmobile trail.

Councilman Hopkins met with the Planning Board and plans on introducing himself as liaison to all the fire companies in Boston.

Councilman Simmeth mentioned that if the National Fuel Annual Blanket Highway Permit hasn't changed in the last 6 years, should it be tabled?

Councilman Simmeth stated that maybe this should not be tabled and if there ends up being a gas leak National Fuel may not go in because the permit is not signed.

Councilman Mead questioned if last year's permit was still in effect?

Town Clerk Shenk stated that the last permit expired on 12/31/03.

Councilman Mead: My concern is that if we generally ask for a recommendation from somebody that has been in the past asked for it, and they have an issue addressed to National Fuel, than that person should be given the opportunity to address that. I'm sure there is nothing wrong with approving it.

Councilman Simmeth: I believe Highway Superintendent Kreitzbender did have issues last year on Liebler Road, but he had them all cleared on what National Fuel wanted to do.

REGULAR BOARD MEETING TOWN HALL

JANUARY 21, 2004 7:30 P.M.

Town Clerk Shenk: Last year this came in on the second meeting of December and the Board tabled it and approved it at the second meeting in January. However, I don't know how his association with them has been in the last year.

Supervisor Eagan: Did Patchin Fire Company go out on a National Fuel call tonight?

Councilman Hawkins: Yes, that was on Cole Road. Someone went off the road and broke a gas line. National Fuel was up there fixing the gas line.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to remove from the table the 2004 Annual Blanket Highway Work Permit for National Fuel.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan to approve the 2004 Annual Blanket Highway Work Permit for National Fuel based on a favorable recommendation from Highway Superintendent Kreitzbender.

five (5) Ayes Carried

Councilman Simmeth stated that according to Vehicle traffic Law of NYS there are four criteria that have to be met in order to make the section of road on Back Creek a 15 mph school speed limit and said to be sure all the criteria for that was met before the petition is sent to the county for approval.

Councilman Hawkins: I have referred everything over to our Town Attorney and we will try to get everything that we need together before we send it in to the county.

Councilman Hawkins mentioned that the Town Attorney has sent out a letter to the Water Authority regarding the hydrants. At this time, we have not received a response. We are working on the signs at the school.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for December, 2003 and Annual Report for 2003 was received and are on file in the Clerk's Office.

DOG CONTROL OFFICERS REPORT

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

RECREATION DIRECTORS REPORT

A) Recreation Director's monthly report for December, 2003 and Annual Report for 2003 were received and are on file in the Clerk's Office.

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

DAVID J. SHENK, TOWN CLERK