

Town Board Minutes June 15, 2005

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Karl J. Simmeth Jr., Dennis J. Mead, and Supervisor William A. Eagan.

Also Present: Highway Superintendent Telaak, Town Attorney Vacco, and Deputy Code Enforcement Officer Lisowski.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve the Use of Facilities application from Martin White for July 2, 2005.

five (5) Ayes Carried

RESOLUTION 2005-12 APPLICATION FOR FUNDS FROM NYS OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

Councilman Hawkins commented that this annual grant was rejected last year due to a lack of information so this year the request included equipment for the children's play area, a horseshoe pit, and a Lacrosse field.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to adopt the minutes of the June 1, 2005 regular meeting with the following correction:

Delete the duplicated motions approving the Use of Facilities application from Karen Ellis for August 20, 2005 and the motion appointing Dr. Norman Hertz to the Conservation Advisory Council, term to expire March 1, 2008.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins, upon review by the Town Board, that the fund bills dated June 9, 2005 in the amount of \$52,009.15 be paid.

five (5) Ayes Carried

Received and filed a petition with the signatures of 39 property owners in the Hickory Meadows Subdivision requesting the Town Board approve a plan to address drainage problems.

Supervisor Eagan commented that Councilman Simmeth is working on the street lighting in Hickory Meadows. It is the Emerlings' responsibility to remedy drainage issues. The Town is working with the Emerlings, their engineers, and the town's engineers.

REQUESTS FROM THE FLOOR

Carl Borowicz, 7108 Liebler Road: Last year under the FEMA grant drainage work was done on the culverts on Liebler Road including a tear out of my drainage pipe and I would like to ask Highway Superintendent Telaak what the timetable is for it to get paved?

Highway Superintendent Telaak responded that he would address this problem within the next two to three weeks.

Marilynn Dollmann, 7261 Chestnut Ridge Road: I asked Town Clerk Shenk if he would pass out the Orchard Park Conservation Easement agreement so you could seriously consider this. Those of us who own large parcels of land in Boston would like to keep it natural and free for the next generation. It has been very successful in Orchard Park.

Leo Obad, 7287 Woodland Drive: Is it true a town employee got caught taking stone out of the town yard?

Supervisor Eagan: Not to my knowledge. It is false.

Highway Superintendent Telaak responded that the stone you are talking about came from a temporary drive on Rollin Drive and not from the town yard.

A Public Hearing was held at 7:40 p.m. to hear comments regarding Local Law No. 3 of the Year 2005 to Amend Minimum Lot Size and Frontage Requirements for R-A Zoning.

Supervisor Eagan read the legal notice.

Supervisor Eagan: This is a proposal an idea open for public consensus. This is the process this Board has chosen and there may be other public hearings. There has been some subdivision activity in this community with a lot of development. During public hearings residents spoke of controlling our growth, keeping open space and preserving our landscape. This is a proposed step in trying to put some controls in place. It may not be the best and it may not ever happen. What happens here tonight will probably have a bearing on whether this ever reaches a decision. It is meant to make you aware of what people in this community are saying about development, subdivisions, and the growth that we have experienced in town.

Richard Emerling, 9794 Trevett Road: I am not in favor of five-acre parcels. People with three to five acres mow a 100 by 200 lot and let the rest grow to weeds. People forced into buying a big lot will pay more for land, taxes, and equipment to maintain it. People complain that they don't want subdivisions near them. Land was available on Trevett Road and I bought it just so there would not be a subdivision there. The property that I bought assessed at \$22,000 is now assessed at \$169,000 so I am paying a real tax bill to keep this. It is a losing proposition but I want to see open space in Boston. I don't have a problem with 100-foot frontage.

Nancy Braycheck, 7287 State Road: Five acres is way too much to force future homeowners to buy. It will push them out of our community and make us less welcoming. This is unfair to young couples and people considering retiring in a few years.

Patrick Della Penta, 8676 Feddick Road: We have a hundred acres and we feel it is way too much to require five acres for building lots. We don't have any intention of subdividing but would eventually want to turn over a three-acre parcel to each of my kids. Under the five-acre rule we wouldn't be able to do so because we don't have the frontage or the available building lot space. It used to be one acre

and three acres is reasonable but I think you are trying to come up with a solution to a problem that doesn't exist.

Herbert Klein, 7690 Back Creek Road: Tonight you are proposing to increase lot sizes in an R-A District from three to five acres under the guise of green space and controlled growth. I have tried to find a definition of green space without success. There are more trees growing in Boston today than there were fifty years ago. Fifty years ago Boston's landscape was dotted with farms and now contains homes with trees. I think of green space as landscaping around commercial development by prohibiting macadam being laid from building to highway. I believe our Planning Board has done a good job approving landscape design for commercial development such as with Overhead Door, Brunner's Eatery, and CVS Pharmacy. Boston typography, hills, valleys, ravines, and gullies prohibit dense growth. Mr. Supervisor you have just implemented a Boston property reassessment. Landowners were a targeted group realizing dramatic increases in their assessments. We are not aware of what effect the increased assessments will have on school and county taxes so I suggest you table increasing lot sizes in a R-A district until we complete a taxing cycle. Next spring we will be aware of the implications new assessments on land will have on property taxes. I concur with your recommendation to increase frontage in a R-A district to 100 ft. and I would include R-2 districts because homes are much larger today. I suggest you consider innovative thinking by allowing less than 100 feet at the road if a house is set back 200 or 300 feet on a three, five or larger acre parcel. The Zoning Board of Appeals could only permit a variance of the 100 ft requirement. This would allow anyone with concerns on flag lots to be heard.

Supervisor Eagan: Mr. Klein, you made it sound like I implemented this tax reassessment and you know this was a Town Board decision.

Larry Mills, 5582 Ripple Drive: When we were looking to come to Erie County and the southtowns lot size, affordability and the Hamburg school district was a key factor. Five acres is a big chunk to bite. Based on the Erie County budget crisis property taxes will increase which will weigh on people if required to purchase larger parcels of land.

Timothy Puffpaff, 7500 Wohlhueter Road: A couple of years ago they put water on the East Hill in two phases. I am in phase two. I look at a water tank every day and pay water taxes but don't have water. By increasing parcels to five acres you are decreasing the tax base. How long are we going to pay a water tax and not receive water? It is a burden on young people to invite them into the community and ask them to purchase five acres of land. Residents must feel the tax increase is crippling them or you wouldn't have lines in the Town Hall to argue the tax base. This is putting more taxes on the residents.

David Lutz, 5151 Belcher Road: I am against the five-acre lot size. We planned to give three-acre lots to each of our children and if changed to five acres only one child will get it. I think 100-foot frontage is a good idea.

Ken Bihl, 8712 Zimmerman Road: I grew up in Williamsville and couldn't wait to move to a rural setting. I have four to five acres with about 150-165 feet frontage. I went to the public hearings on the amphitheater and the truck stop on Rice Road years back and the overriding theme was to keep Boston a rural community. Five acres doesn't seem like a problem to me. We are not forcing anyone to buy five acres.

Patricia LaMonte, 6025 West Tillen Road: I am in favor of the five-acre parcel. We like the rural atmosphere; the privacy and most importantly we are a bedroom community. That is how we are identified and that is how I would like it to remain. I am on the 219 Scenic By-Way Committee representing Boston, Orchard Park, and Concord. We have a lot to offer tourism from bicycle races to the beauty of the hills.

Paula Bernard, 8705 State Road: I do not agree with the five-acre parcel. We are a family of four and have just one acre and we think that is just fine.

Kathryn Schottin, 7345 Lower East Hill Road: I own 2.7-acre lot with 185 feet frontage. Will it be grandfathered? We purchased it in 1967 and paid about \$10,000 taxes since then and the assessment has been increased to \$48,400. Would I be able to sell it under the grandfather?

Supervisor Eagan: This is a proposal to find a solution to some of the problems people have concerning development issues and keeping green space. I don't think anyone on this board would act without a provision in the law to address grandfathering lots as they did in the past. We're planning for the future.

Carl Borowicz: Considering this is in R-A zoning, I think five acres is the way to go because of our buildings larger than the recommendation of local ordinances. If you put them on anything less than three acres it is an eyesore.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to close the public hearing at 8:02 p.m.

five (5) Ayes Carried

Larry Mills: I will give the Town Board a letter commending Pearl Emerling for a fantastic job securing signatures for a petition submitted to Erie County Legislators regarding increases in county property and sales taxes. I encourage residents concerned with the green space issue and other issues to visit the website, speakupwny.com. I encouraged the website administrator to provide for Boston politics and discussions. There will be another petition demanding public budget hearings of the Erie County Legislature. At the last meeting I submitted a list of questions regarding the Boston reval. I was wondering what the status of the fact-finding was.

REQUESTS FROM THE FLOOR (CONT):

Supervisor Eagan: I have the answers for you. I gave the Town Board copies this evening and I have a copy for you.

Larry Mills: I implore whoever is behind the newspaper box communications to at least provide some form of contact that so that I can communicate with the sender.

Received a recommendation from Cobble Hill Cemetery Liaison Klein for the following fee updates:

Current fees Recommended fees

Sale of Graves \$225 \$300

Openings: Full \$400 \$475

Infant (to 3?) \$165 \$175

Cremation \$115 \$160

Foundations

Per Sq Ft. \$ 50 \$ 65

Minimum \$100 \$130

Cobble Hill Cemetery Liaison Klein: These are user fees. The money goes to the Town of Boston. There is upkeep to take care of the cemetery

Councilman Hopkins: How long have you been doing this?

Cobble Hill Cemetery Liaison Klein: I have been in charge of Maplewood Cemetery since 1983 and Cobblehill since 1994. As liaison I understood that I was in charge of selling lots, staking out, and securing a contractor to open graves. I'm paid \$300 a year. Recently, the Collins Correctional prisoners cleaned up Maplewood and Cobblehill Cemeteries. I did this on my own and don't know if this is my responsibility. I won't do that anymore if that is what you want. I was not able to reach Highway Superintendent Telaak by phone the day the prisoner's arrived, so Don Genzel helped me. I have a bill for \$10 for food for the prisoners. I paid Don Genzel \$20 for his time.

Supervisor Eagan: You have been doing this for a while and you are talking about expenses going up. I would ask any department head to justify increases in their budget. You mentioned about the expense of maintenance. Do you keep records of what the maintenance costs?

Cobble Hill Cemetery Liaison Klein: Approximately \$50 to cut the grass each time.

Councilman Hopkins: You have other gravesites asking \$450. I don't think that \$300 is outrageous.

Councilman Hawkins: Are they losing money on the cemeteries? We are talking approximately \$240 a grave.

Cobble Hill Cemetery Liaison Klein: You handle all the books and pay all the bills. I don't do that.

Supervisor Eagan: How can you recommend increases if you don't know what the expenses are? You said expenses are going up but you can't identify those expenses. How many burials do we have on the average in a year?

Cobble Hill Cemetery Liaison Klein: This year we had two. Since 1994 we probably had five. Mr. Mooney's last price was \$300 to open a grave. In 1994 his price was probably \$200. It could be \$350 next year.

Supervisor Eagan: In the future if you are going to be the custodian of the cemetery technically in the capacity of a department head, you should be responsible for keeping records of the costs so when we look at recommendations by you, as we do with other department heads, they can be justified.

Cobble Hill Cemetery Liaison Klein: I would like you to write a job description. My job was to sell lots and stake burials. If it is more than that I will tell you if I'm still interested.

Supervisor Eagan: We will do that.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to table the recommended updated fee schedule for Cobble Hill Cemetery.

five (5) Ayes Carried

Councilman Hopkins requested that Cobble Hill Cemetery Liaison Klein attend the Agenda Review meeting on July 20, 2005 at 5:30 p.m. for further discussion.

A motion was made by Councilman Mead and seconded by Councilman Hopkins, on the recommendation of Recreation Director Vara, to appoint the following to the 2005 Summer Day Camp, term to expire August 31, 2005:

Name	Position	Rate/hr
Brett Bender	Counselor - New	\$6.00
Jodie Bonnas	Counselor - New	\$6.00
Thomas Butera	Counselor	\$7.00
Elizabeth Brown	Counselor	\$7.00
Jacob Costello	Counselor	\$7.00
Keara Eagan	Counselor	\$7.00
Tracy Guzzetta	Asst. Site Supervisor	\$8.00
Michelle Hine	Counselor	\$7.00
Daniel Hubert	Counselor	\$7.00
Lacy Knowles	Counselor	\$7.00
Debra Kobiolka	Counselor	\$7.00
Kourtney Kuczka	Lifeguard	\$8.00
Emily Lundberg	Counselor	\$7.00
Earl Manning	Counselor	\$7.00
Jonathan May	Counselor	\$7.00
Jonathan McCloud	Counselor	\$7.00
Drew McNichol	Counselor	\$7.00
Lori Mead	Counselor - New	\$6.00
Colin Murtha	Counselor - New	\$6.00
Tina Musselman	Asst. Site Supervisor	\$8.00

Scott Newton	Counselor - New	\$6.00
Charlene Pelc	Asst. Site Supervisor	\$8.00
Rachel Partridge	Counselor	\$7.00
Rachel Pollinger	Counselor - New	\$6.00
Connor Reilly	Counselor	\$7.00
Michelle Roedel	Counselor	\$7.00
Kelly Rosiek	Counselor	\$7.00
Katie Rzeszutek	Counselor	\$7.00
Leslie Speich	Counselor	\$7.00
Mark Stevens	Newspaper/Editor	\$6.00
Kyle Struch	Counselor - New	\$6.00
Jason Telaak	Counselor	\$7.00
Kathleen Telaak	Counselor - New	\$6.00
Joshua Wrazen	Counselor	\$7.00
Nathan Wright	Counselor	\$7.00
Samantha Vara	Rover	\$7.00

Summer Recreation Appointments Cont?d:

Substitute Counselors at \$5.50 per hour:

Joelle Carboni Jessica Kester

Nicholas Manning Karla Mead

Daniel Mulhisen Laura Noack

Nicholas Pablocki Sarah Smart

Katie Smart Matthew Struckl

five (5) Ayes Carried

Received an application for a Special Permit for Live Entertainment from Rick Hayden, Couzins, 7115 Boston State Road.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a Public Hearing for July 20, 2005 at 7:40 p.m. regarding a Special Permit for Live Entertainment for Couzins, 7115 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Councilman Hawkins to appoint David Skinner, Patchin Fire Company and William Hubert, North Boston Fire Company, as Fire Police, term to expire upon removal, retirement, or resignation.

five (5) Ayes Carried

Received a letter of resignation from Jeanette Hoppy, Town Hall Cleaner.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to accept the resignation of Jeanette Hoppy, Town Hall Cleaner.

five (5) Ayes Carried

Received a request for appointment as Town Hall Cleaner from Polly Shenk.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to appoint Polly Shenk to the position of Town Hall Cleaner, term to expire 12/31/05.

five (5) Ayes Carried

Supervisor Eagan noted that we are fortunate to have a Boston resident fill the position of Town Hall Cleaner because this has been difficult in the past.

Received a request from Paul Rosiek to withdraw a rezoning application of V/L Boston State Road dated 2/2/05 and return of the \$175 application fee.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the withdrawal of the Rosiek rezoning application dated 2/2/05.

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilman Hopkins to approve return of \$175 application fee to Paul Rosiek for his rezoning application.

five (5) Ayes Carried

DEPARTMENT ANNOUNCEMENTS/ACTIONS

Received and filed monthly reports from the Supervisor, Tax Collector, Justice Court, Code Enforcement Officers, Dog Control Officers, and Town Engineer.

DEPARTMENT ANNOUNCEMENTS/ACTIONS CONT'D:

Supervisor Eagan reported that the first Flag Day celebration was held on June 14th. The Boy Scouts gave us an education on what the American flag should mean to us.

Supervisor Eagan complimented Larry Mills for spearheading a campaign on the budget crisis and the dysfunctional Erie County Legislature.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Town Clerk's report for May 2005.

five (5) Ayes Carried

Town Clerk Shenk urged all New Yorkers to stand with the Niagara Falls/Western New York community and unite in support for the retention of the Niagara Falls Air Force Reserve and Guard Base. A form letter may be obtained at the Town Clerk's Office to sign and send to Chairman Principi, of the Base Realignment and Closure Commission.

Town Clerk Shenk thanked Boston Valley Elementary School and Principal Pearlstein for inviting him to speak at their Flag Day Celebration.

Town Attorney Vacco reported that regarding Sprague Mobile Home Park, the licensee for the Park was sent a formal notice regarding revocation procedures. Fifteen days have transpired and the problems that were indicated in the formal notice have not been fixed. It is within the Town Board's disgression to formally request that the licensee, i.e. Richard Boyd, appear before the Town Board at a hearing to show cause why his license should not be revoked.

A motion was made by Councilman Hawkins and seconded by Councilman Mead to schedule an informal hearing with Richard Boyd to show cause why the Sprague Mobile Home Park license should not be revoked on July 18, 2005 at 5:30 p.m.

five (5) Ayes Carried

Councilman Mead asked Town Clerk Shenk to request an updated activity report from Brian Baty, the town's Insurance Consultant.

Councilman Mead stated that the old dog control van was becoming an eye sore and asked if there was some sort of way to dispose of it.

Town Clerk Shenk stated that there are several ways to dispose of surplus equipment with a value over \$100, bidding process or auction.

Town Attorney Vacco suggested that the Town Board declare the van as surplus equipment at the next meeting.

Councilman Mead suggested that a link be made from the Town of Boston website to speakupwny.com.

Councilman Hopkins stated that the Planning Board approved the as built site plan for Nick Charlap's.

Councilman Hopkins noticed that residents are putting brush in the ditches, which is causing additional work for the Highway Department.

Councilman Simmeth commented that the Red Letter campaign having to do with the Medicaid crisis and taxes in Erie County was successful. He stated that all the letters received from concerned residents have been mailed to the offices of Assemblyman Quinn and Senator Volker. He read a letter from Senator Volker regarding the statistics of that campaign.

DEPARTMENT ANNOUNCEMENTS/ACTIONS CONT'D:

Councilman Simmeth stated that the county would be doing drainage work on Boston State Road between Omphalius Road and The Good Shepherd Church.

Councilman Hawkins noted that residents are questioning why the North Boston Park is closed and locked during the day.

Councilman Mead stated that part of the issue with the closing of that park was due to vandalism. The sporting league presidents all have keys and will open the park when the need is there.

Councilman Hawkins asked if the gate could be re-opened in hopes that the vandalism ceases. If not, then the park can be relocked.

Councilman Hawkins stated that because of several complaints and accidents on Feddick Road, he was going to ask the county to reconsider lowering the speed limit on Feddick Road.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 8:40 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK