

Town Board Minutes June 16, 2004

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

Reverend Sprehe of St. Martin's Lutheran Church opened the meeting with a prayer.

RESOLUTION 2004-16 CREATIVE PLAYGROUND REHABILITATION PROJECT GRANT APPLICATION

RESOLUTION 2004-17 SOCCER FIELD DEVELOPMENT GRANT APPLICATION

Supervisor Eagan stated that he received a letter from the Erie County Water Authority stating that Emergency Repairs are needed to an 8-inch water main break on Back Creek Road. Paul Becker from Erie County Water will submit a quote to complete this work.

Supervisor Eagan stated that any questions regarding a FEMA grant should be referred to Grants Consultant, Connie Miner.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to authorize Supervisor Eagan to pursue emergency repairs to the 8-inch ACP water main along Back Creek Road.

five (5) Ayes Carried

Supervisor Eagan received a request from Mr. Jeffrey Krencik, 5586 Eiss Hill Road regarding the Water #2 extension on Eiss Hill Road. He submitted \$600 for a tap-in fee right, which never took place. He is asking for a refund of \$600 for that tap.

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth to approve the refund of \$600 to Mr. Jeffrey Krencik for a Water #2 extension tap in fee.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth, on the recommendation of Recreation Director Kummer, to re-appoint the following to the Summer Day Camp, effective immediately, term to expire on August 31, 2004:

NAME TITLE HR. WAGE

Rehires:

Daley, Amanda	Camp Counselor/Lifeguard	\$5.45/\$7.25
Eagan, Keara-Marie	Substitute	\$5.45
Forness, Lauren	Camp Counselor	\$5.70
Guzetta, Tracy	Camp Counselor	\$5.85
Hubert, Daniel	Camp Counselor	\$5.70
Klein, Michael	Camp Counselor	\$5.85
Lundberg, Emily	Craft Supervisor	\$6.35
May, Jonathan	Assistant Site Supervisor	\$6.15
McLoud, Jonathan	Camp Counselor	\$5.25
McNichol, Drew	Camp Counselor	\$5.95
Mead, Andrew	Camp Counselor	\$6.05
Musselman, Tina	Assistant Site Supervisor	\$6.25
Partridge, Kristen	Assistant Site Supervisor	\$6.75
Poblocki, Nicholas	Camp Counselor	\$5.85
Reilly, Connor	Camp Counselor	\$5.45

MOTION CONT'D:

NAME TITLE HR. WAGE

Rosiek, Kellie	Camp Counselor	\$5.70
Rzeszutek, Kathryn	Camp Counselor	\$5.45
Siebert, Joseph	Camp Counselor	\$5.70
Smith, Andrew	Site Supervisor	\$9.20
Stewart, Keith	Site Supervisor	\$8.50
Vera, Amanda	Site Supervisor	\$9.00
Wrazen, Joshua	Substitute	\$5.70
Wright, Nathan	Camp Counselor	\$5.95

NAME TITLE HR. WAGE

New Hires:

Brown, Edith	Camp Counselor	\$5.25
Costello, Jacob	Camp Counselor	\$5.25
Evans, Jill	Substitute	\$5.25
Gazetta, Lindsey	Substitute	\$5.25
Kabiolka, Debra	Substitute	\$5.25
Knowles, Lacey	Camp Counselor	\$5.25
Lundburgh, Andrew	Substitute	\$5.25
Manning, Earl	Camp Counselor	\$5.25
Roedel, Michele	Camp Counselor	\$5.25

Spiech, Leslie Camp Counselor \$5.25

Struck, Kyle Substitute \$5.25

Trim, Jennifer Camp Counselor \$5.25

Villar, Jennifer Substitute \$5.25

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the June 2, 2004 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth upon review by the Town Board that fund bills on the Abstract dated June 9, 2004 in the amount of \$47,852.09 be paid.

five (5) Ayes Carried

Received and filed letters from Assemblyman Smith and Senator Volker acknowledging and supporting Resolution #2004-15, State of New York Proposed Bill S6056/A9556.

Received and filed letter from New York State DOT regarding our request for a school speed limit on Back Creek Road. They have approved a reduction to 30MPH from 40MPH on Back Creek Road in the vicinity of Boston Valley Elementary School. Supervisor Eagan commended Councilman Hawkins work in this endeavor.

Received and filed a notice of public hearing being held by the Orchard Park Town Board on June 16, 2004 at 7pm regarding a conservation easement request.

Town Attorney Vacco stated the Orchard Park Town Board approved the request of Ronald and Mary Clare Smith to annex their property from the Town of Orchard Park into The Town of Boston. The Town of Boston has received the same request. Town Attorney Vacco requested a public hearing be scheduled.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to schedule a public hearing for July 14, 2004 at 8 pm to consider the petition of Ronald and Mary Clare Smith to annex their property, SBL's 197.00-5-2 and 197.00-5-3, on Woodlee Court into the Town of Boston.

five (5) Ayes Carried

REQUESTS FROM FLOOR

Jennifer Warnes, Turning Back the Clock Committee: We have raised \$16,000. The clock, with a pentagon base made from granite has been purchased from the Fancy Street Clock Company. We have sold four-\$1,000 slots; the fifth side will have eight - \$500 slots. Bricks are available at \$75 each including the engraving.

Jennifer Warnes gave a presentation on what the clock will look like as well as the engraveable bricks. The committee would also like to purchase some benches for the area and have a dedication ceremony.

Jim Reichert, committee member gave detail on the specifications of the clock. The clock is fourteen feet tall, lighted with a timer, has raised Arabic numbers, two faces, and points to the North and South with a small control box that will be located inside the Town Hall

Jennifer Warnes stated that the bricks would lead up to the walkway and continue around the clock.

Supervisor Eagan suggested that Pete Walter talk with the landscaper regarding the shape of the bricks and how to lay them out in a circular arrangement. Supervisor Eagan said that if another configuration is needed that is fine, as long as the perimeter stays the same.

Jim Reichert commented that the bricks will be spread out so that in five or ten years, if more were to be purchased, Stone Art would be able to engrave them on site.

Supervisor Eagan congratulated the Clock committee on a job well done.

Carl Borowicz, 7108 Liebler Road: I have been a property owner in the Town of Boston for the last 28 years. One year ago, a neighbor, Richard Napora, applied and was granted a variance to put up a building. By law, that variance has expired. A letter was sent to Mr. Napora stating that he was in violation of that code. My question is how long do I have to wait for action to take place on this property that has not been developed according to the Zoning Board of Appeals.

Deputy Code Enforcement Officer Lisowski: I referred this to the Zoning Board of Appeals because they approved the variance. Boston Code, Section 123 states that if the variance is not satisfied, the Zoning Board of Appeals can revoke it. The Zoning Board of Appeals referred it back to the Building Department. I have not yet met with Town Attorney Vacco or Deputy Town Attorney Metzger to discuss this. When I cite Mr. Napora, I want to do it correctly.

Supervisor Eagan: When do you think you will be able to meet with our Town Attorney or Deputy Town Attorney? When do you expect to cite him?

Deputy Code Enforcement Officer Lisowski: I will meet with one of them tomorrow or Friday. Mr. Napora will be cited the same day.

Supervisor Eagan: What happens once he is cited?

Town Attorney Vacco: Any violation of Boston Code Section 123 will be in Boston Court.

Supervisor Eagan: He will have to go to court and the Zoning Board of Appeals.

Mr. Borowicz: I would like to be notified by mail and/or phone of any proceedings and the outcome.

Councilman Simmeth: You will be notified by mail and by phone.

Supervisor Eagan commented regarding the letter from Melinda J. Rieske, Boston Patriots Football. He stated that he met with the Football Board of Directors on June 10th to discuss their involvement in regards to the new snack shack building.

Supervisor Eagan read a letter from Gary and Judy Klump regarding a memorial plaque for Jody Metzger being placed at the Boston Town Park.

Gary Klump: The memorial will be a flat granite marker that can be close to the football field and snack shack. This can be anywhere that the Town Board sees fit. Friends and family will contribute to this memorial. It will be low maintenance, only having to cut the grass around it. The memorial is already on order and have started the engraving process. We would like to have a dedication before the football season.

Supervisor Eagan: We have had some discussion on this. We should get together at an Agenda meeting to speak more in detail about this. Anyone who is close to this situation that can discuss what has been done so far should attend.

Supervisor Eagan requested Town Clerk Shenk to send a letter to Mr. & Mrs. Klump requesting their attendance at the July 12, 2004 Agenda Review meeting to discuss putting a permanent memorial in the Town Park to honor the memory of Jody Metzger.

Councilman Simmeth stated that the Conservation Advisory Council requested the approval to start plans for a "Boston Valley Fishing Tournament for 2005". This will be a "children only" tournament broken down into age groups.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to approve the request of the Conservation Advisory Council to start plans for a Boston Valley Fishing Tournament for 2005.

five (5) Ayes Carried

Supervisor Eagan commented that the Conservation Advisory Council has put together a Scenic Foliage Tour Guide to highlight our community and asks for the Town's approval to approach local businesses to advertise in this Guide to help defray the cost.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve the printing of the Scenic Foliage Tour Guide and authorize the Conservation Advisory Council to approach local businesses to help defray the cost.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to refer the Site Plan Review for Kim Bingman, 8899 Boston State Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to remove from the Table the Special Use Permit Application of Marcia Baeumler, 5785 Herman Hill for further discussion.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to receive and file the June 3, 2004 letter from Town Attorney Vacco advising to deny the Special Use Permit Application from Marcia Beaumler at 5785 Herman Hill Road.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adopt designate the Town of Boston as lead agency and declare a Negative Declaration on the application of Marcia Beaumler for a Special Use Permit for 5785 Herman Hill Road.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth on the recommendation of Town Attorney Vacco to deny the Special Use Permit Application from Marcia Beaumler, 5785 Herman Hill Road.

five (5) Ayes Carried

Supervisor Eagan commented on the proposed Purchasing and Capital Asset/Inventory Policies updates. These changes will assist in keeping more accurate records of inventory and better control in place for purchases and disposals.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Proposed Purchasing and Capital Asset/Inventory Policies with the following change in paragraph 2:

FROM:

When any department finds it necessary to make a purchase, for whatever reason, if the item or items are \$100 or more, a ?Purchase Request Form? must be obtained from the Supervisor?s Office.

TO:

When any department finds it necessary to make a purchase, for whatever reason, if the item or items are \$300 or more, a "Purchase Request Form" must be obtained from the Supervisor's Office

five (5) Ayes Carried

SUPERVISOR REPORT

A) The Supervisor's Financial Report for May 2004 was received and is on file in the Town Clerk's Office.

Supervisor Eagan commented on the results/progress of the snack shack. The building is very close to being completed. He stated that it compliments our community. This building will house the snack shack, bathrooms, and storage for baseball, softball and football. Supervisor Eagan hopes to be able to officially open the new building to the community by the next Town Board Meeting.

Supervisor Eagan noted that because of the construction of the new building electricity has not been available at the existing bathroom facility. This will be corrected within the next week to ten days.

Supervisor Eagan mentioned that Zoning Board of Appeals Chairman, Ralph Gibson has been ill and wishes him a speedy recovery.

TOWN CLERK REPORT

A motion was made by Councilman Simmeth and seconded by Councilman Hopkins to approve the Town Clerk's monthly report for May 2004.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the Tax Collector's monthly report for May 2004.

five (5) Ayes Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Poore asked if bids and/or quotes are needed for completion of the concrete floor work in the new building.

Supervisor Eagan said that Morton Builders are supposed to quote the price on the completion of the floor. He also stated that the Board was asked to recommend a local business to complete the floor. He's waiting for two quotes to come in.

Highway Superintendent Poore commented that he attended the 58th Highway School in Ithaca, NY and was updated on a lot of day-to-day Highway procedures and thanked the Town Board for allowing him to attend.

Highway Superintendent Poore stated that Erie County Soil and Water Conservation has extra funds to help the Highway Department purchase a new sand storage building, which he will look into.

Highway Superintendent Poore commented that flood damage repair is continuing. He commented that he is still waiting to hear if FEMA will be giving Towns funds to help with these repairs.

Highway Superintendent Poore met with the Town Engineer concerning the drainage problems on Pin Oak Drive.

Highway Superintendent Poore stated that the clay is installed on the baseball fields, but the bricks for the pitching mound and batting boxes have not been installed on diamond #2 and #3. The clay on North

Boston Stadium will not be installed until after baseball season. He will finish the Town Park Fields after Community Days.

Supervisor Eagan asked Highway Superintendent Poore if the base that was put down in the batting cage was clay and is there enough to finish the fields that it was initially intended to be used for.

Highway Superintendent Poore stated that there is about 52 ton of clay to finish the work.

TOWN ATTORNEY REPORT

Town Attorney Vacco wanted to confirm the meeting for the June 21, 2004 at 6 pm to continue Highway Union Contract negotiations.

COUNCILMAN REPORTS

Councilman Mead requested that the Agenda Review Meetings be recorded and have Town Clerk Shenk keep a record of such.

Town Clerk Shenk requested permission to buy a recording machine for the Planning Board room.

COUNCILMAN REPORTS Cont?d:

A motion was made by Councilman Mead and seconded by Councilman Hawkins to approve the recording of Agenda Review Meetings and give Town Clerk Shenk the approval to purchase a recording machine for the Planning Board Room.

five (5) Ayes Carried

Councilman Hopkins commended Gary Klump for his work with the Jody Metzger memorial project.

Councilman Simmeth stated that he has been in touch with a resident on Eddy Road regarding Water District #3 as far as the placement of the lines and referred him to Engineers, Nussbaumer and Clark, Inc.

Councilman Simmeth referred a resident from Back Creek Road to the Erie County Water Authority regarding how to obtain water.

Councilman Simmeth thanked Highway Superintendent Poore for all the work he has done since he has taken office.

Councilman Simmeth wished the Community Days Committee good luck.

Councilman Hawkins commented about that he originally requested the speed limit on Back Creek Road, near the Boston Valley School to 15 mph. The speed limit was reduced from 40 mph to 30 mph. He thought that reducing from 40 mph to 15 mph would slow traffic down so much that it might cause an accident.

Councilman Hawkins commented that at the request of Creekside sub-division residents, he did walk the area when it was dry and after it rained, and did find several areas that needed to be looked at.

Councilman Hawkins thanked Highway Superintendent Poore and the Highway Department for the work they have done on the drainage problems.

ASSESSOR'S REPORT

· The Assessor's monthly report for May 2004 was received and is on file in the Town Clerk's Office.

TOWN JUSTICE REPORT

· The Town Justice monthly report for May 2004 was received and is on file in the Town Clerk's Office.

PLANNING BOARD REPORT

The Planning Board set their summer schedule as follows:

Tuesday July 27, 2004

Tuesday August 24, 2004

Town Clerk Shenk commented that he has not received numerous reports from the Town Engineer and Recreation Director.

Councilman Mead asked Town Clerk Shenk to send letters to these individuals informing them that these monthly reports are necessary.

CODE ENFORCEMENT OFFICER'S REPORT

· The Code Enforcement Officer monthly report for May 2004 was received and is on file in the Town Clerk's Office.

DOG CONTROL OFFICER'S REPORT

· The Dog Control Officer's Report for May 2004 was received and is on file in the Town Clerk's Office.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to adjourn the meeting at 8:34 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK