

Town Board Minutes June 21, 2000

REGULAR BOARD MEETING TOWN HALL

JUNE 21, 2000 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 Town Attorney Michael F. Perley.

Absent: Highway Superintendent Wayne C. Kreitzbender.

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

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adopt the minutes of the June 7, 2000 regular monthly meeting and the June 12, 2000 special meeting.

five (5) Carried Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #6A, dated June 21, 2000, in the amount of \$39,399.21 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills, upon review by the Town Board, that the Highway Bills on Abstract #6A, dated June 21, 2000, in the amount of \$4,416.37 be paid.

five (5) Ayes Carried

Received and filed notification from the Erie County Soil & Water Conservation District of an on-site inspection of the Eighteenmile Creek streambanks and stream channel.

Supervisor Rood commented that this proposal (to assess the extent of the problems and develop an estimate of costs to apply necessary streambank stabilization practices) would be a great help to property owners bordering the creek. The financing is a three (3) prong approach. First, a resource account is set up with each town contributing \$15,000 per year, which is guaranteed to be spent in that town. Second the EC Soil and Water will attempt to secure additional funding and third the homeowner will contribute financially to the project. Ranking will be determined by the amount the homeowner is willing to contribute. A representative from the EC Soil & Water Conservation District will address the Town Board at the next Agenda Review Meeting.

Councilman Mead suggested that information on the Eighteenmile Creek project be forwarded to the Conservation Advisory Council.

The Boston Town Board, on behalf of the citizens of the Town of Boston, will accept from the Mead family, a watercolor painting by their mother, Margaret, titled, "Creek in Boston." The dedication and reception will take place after the Town Board meeting on July 19, 2000. The public is invited.

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

REQUESTS FROM THE FLOOR

Burdett Rust, 4720 Edgewood Terrace: National Fuel has put a nineteen (19) inch pipeline through my property and I am here seeking help to get answers from National Fuel as to what their plan of recovery is going to be. There doesn't seem to be a sufficient amount of sediment retention. We are getting a lot of run off and standing water. There are broken sewer lines and debris turned over from their machines. I call every day but they don't seem to have a plan. I am not satisfied with their choice of contractors. I will go on record that I will not

Accept hydro seeding and that I want sod replaced. They have to

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REQUESTS FROM THE FLOOR (CONT.)

Burdett Rust (cont.): restore the grass and the run off capabilities of that entire area. I want to go on record that they (National Fuel) are the most unprofessional group of people that I have run across in a long time.

Town Attorney Perley: I will call Paul Jusko, Boston resident and employee of National Fuel) and discuss this problem with him. I am requesting that either Code Enforcement Officer Kramer or Deputy Code Enforcement Officer Lisowski investigate this property and determine if there should be some sediment retention in this area. In my personal opinion the town does not have the authority to play any role beyond this area. However, I will call Deputy Town Attorney Terizzi and request he consult with the Supervisor as to whether or not the town has legal justification to intercede on behalf of the residents. I do not feel I can make that decision appropriately because I am involved as a resident of Pinecrest Terrace.

Burdett Rust: I am requesting that I go to the Public Service Commission and report this matter as a dissatisfied customer.

Town Attorney Perley: I will have Deputy Town Attorney Terrizzi investigate this matter and I will also talk to Paul Jusko.

Supervisor Rood: How long has the work been done on your property and how long has it been left in this condition?

Burdett Rust: Approximately three (3) weeks.

Supervisor Rood: I will be happy to call National Fuel and see if I can help. I had a line fixed on my property and one option was a buyout on the restoration. If you don't know about a buy out and don't

ask for one they do not offer it to you. The dollar amount they offered me to restore the property myself was quite generous.

Burdett Rust: I don't have the time or desire to restore what I have worked years to build up.

Supervisor Rood: If the amount was substantial enough you could hire a company of your choosing to restore the property.

Received a proposal from M/E Engineering, P.C. for the Boston Town Hall HVAC project for a fee of \$6,000 not including reimbursable expenses (not expected to be greater than \$500).

Supervisor Rood reported that last year Tri-R Heating and Cooling Inc. recommended that the HVAC units in the Boston Town Hall be replaced due to the age, inefficiency and maintenance costs of the present system. As this project is beyond the scope of R & D Engineering, they recommended M/E Engineering to provide the engineering design services.

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to authorize Supervisor Rood to enter into a contract with M/E Engineering, P.C. for the Boston Town Hall HVAC project for a fee of \$6,000 not including reimbursable expenses (not expected to be greater than \$500).

Councilman Wiktor Voting AYE

Councilman Tills Voting AYE

Councilman Simmeth Voting AYE

Councilman Mead Voting NAY

Supervisor Rood Voting AYE

four (4) AYES One (1) NAY Carried

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RESOLUTION 2000-23 APPOINTING AUTHORITY

On June 20, 2000 at 10:00 a.m. the following bids were received, opened and read aloud for the Eiss Hill Road Water System Improvements, Contract No. 3:

D&H Excavating, Inc. \$70,463.43

Fairway Contracting \$71,579.53

Kandey Company \$72,000.00

Triple R Development \$79,715.35

Eastern Summit \$80,732.56

Received and filed a recommendation from R&D Engineering to award the bid for the Eiss Hill Road Water System Improvements, Contract No. 3, to D&H Excavating, Inc. for a cost not to exceed \$70,463.43.

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon the recommendation of R&D Engineering, to award the bid for the Eiss Hill Road Water System Improvements, Contract No. 3, to D&H Excavating, Inc. for a cost not to exceed \$70,463.43.

five (5) Ayes Carried

SUPERVISOR REPORT

A) Supervisor Monthly Financial Reports for May 2000 received and on file in the Town Clerk's Office.

Supervisor Rood reported that she was honored to be invited to give a speech to the Boston Valley School children on Flag Day, June 14, 2000. She brought a letter she received that was two (2) feet by four (4) feet from a fourth grader at Boston Valley School requesting a donation of seven (7) garbage bags for a creek clean-up project. Supervisor Rood sent ten (10) garbage bags and is looking forward to the promised picture of a clean creek.

TOWN ATTORNEY REPORT

Town Attorney Perley has been in consultation with the Highway Superintendent and Town Engineer with regard to load limits on town roads. It is recommended that the Town of Boston subdivision roads be limited in weight to exclude trucks, commercial vehicles, tractors, tractor trailer combinations, tractor semi-trailer combinations or tractor trailer semi-trailer combinations in excess of four (4) tons. This does not apply to local deliveries.

RESOLUTION 2000-24 A RESOLUTION TO ESTABLISH WEIGHT LIMITS ON CERTAIN ROADS IN THE TOWN OF BOSTON

Town Attorney Perley reported that he has been in consultation with Bruce Shearer, Project Engineer for Nussbaumer & Clarke, regarding property acquisition for the Water District No. 3. Tank site. The approach to the tank site off Wohlhueter Road has to be modified. This will involve purchasing additional land from Harold Frantz as well as other property owners in the event access can be secured through a National Fuel Gas service roadway. Town Attorney Perley and Mr. Frantz agree that it would be appropriate for the town to obtain an appraisal from an independent Real Estate Agent.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize Town Attorney Perley to retain Robert Ganey, Real Estate Broker, for the purpose of reviewing the proposed lands to be acquired by the Town of Boston from Harold Frantz and to provide Mr. Frantz and the Town of Boston with an estimate of market value.

five (5) Ayes Carried

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COUNCILMAN REPORT

Councilman Mead reported that he had the privilege of accompanying Helen Estep, Town of Boston Representative for the Erie County Nutrition Project Council, to the meeting on June 15, 2000. The Town of Boston was proud of Dolores Jensen who won first prize in a recipe contest.

Councilman Wiktor reported that he had the privilege of attending the Southtowns HAZMAT dedication of a new vehicle provided through state funding. The new vehicle replaces a trailer that was used to carry equipment to various sites. The used trailer will be sold. The new Deputy Commissioner of Fire Safety/Fire Coordinator presented himself to the membership and spoke on the need for volunteers and how volunteers are all too often taken for granted.

Councilman Wiktor reported that he attended the North Boston Fire Company dedication of a new truck on Saturday, June 17, 2000. An open house was held from 1:00 to 4:00 p.m.

Councilman Wiktor thanked the Mead family for donating a painting by their mother, Margaret Mead to the Town of Boston.

Councilman Tills reported that he was honored to attend the North Boston Fire Company dedication on June 17, 2000. The three (3) fire companies as well as many residents in town attended the event. The North Boston Fire Company reported the good news that they have seven (7) new members.

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

KAREN A. ELLIS, DEPUTY TOWN CLERK