

Town Board Minutes March 16, 2005

REGULAR BOARD MEETING TOWN HALL

MARCH 16, 2005 7:30 P.M.

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 and Town Attorney Vacco.

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

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to adopt the minutes of the March 2, 2005 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 the fund bills dated March 10, 2005 in the amount of \$576,642.74 be paid.

five (5) Ayes Carried

REOUESTS FROM THE FLOOR

Patricia La Monte, Town of Boston Scenic By-Ways Committee Representative, stated that community support is crucial in order to have Legislative approval to designate US Route 219 as a Scenic Byway. She requested the town forward a letter of support to the committee.

Supervisor Eagan stated that there are petitions out in various businesses in the town.

The Town Board referred the request from Patricia Lamont to Town Attorney Vacco to prepare a resolution stating the town's support of the 219 Scenic By-Way.

Referred an appointment request from Robert S. Chelus to the Planning Board and Zoning Board of Appeals for review and recommendation.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to accept the resignation of Lynn Zachman from the Conservation Advisory Council.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the Transfer of Appropriations for fiscal year 2004 as follows:

GENERAL FUND:

FROM."

Appropriation A 960 1,793.00

Revenues A 980 80,637.00

Supervisor-Equipment 1220.2 220.00

Town Clerk-Equipment 1410.2 51.00

Buildings-Equipment 1620.2 16.00

Highway-Administration 5010.4 251.00

Home/Community Svc. 8989.4 1,255.00

Federal Aid	4960	72,464.00
New York State Aid	3960	8,173.00

Total	82,430.00	82,430.00
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TO: ACCT.

Appropriation A 960 82,430.00

REGULAR BOARD MEETING TOWN HALL

MARCH 16, 2005 7:30 P.M.

Supervisor-Contractual	1220.4	220.00
Town Clerk-Pers. Svc.	1410.4	51.00
Engineering-Contractual	1440.4	4,161.00
Buildings-Per. Svc.	1620.1	16.00
Garage-Contractual	5132.4	251.00
Code Enforc-Contractual	3620.4	2.00
Planning-Contractual	8020.4	4.00
Erosion-Contractual	8745.4	76,476.00
Unemployment Insurance	9050.8	1,249.00
Total	82,430.00	82,430.00

HIGHWAY FUND

FROM: Acct.

Appropriation D960 1,887.00

Machinery-Equip 5130.2 1,887.00

Total 1,887.00 1,887.00

TO: ACCT.

Appropriation D960 1,887.00

Gen. Repairs-Per. Svc. 5110.1 158.00

Machinery-Contractual 5130.4 1,729.00

Total 1,887.00 1,887.00

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to table a request from Assessor Hornberger to table the Disability Exemption until the April 6, 2005 regular Town Board meeting.

five (5) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Councilman Mead to appoint Katharine Praczkajlo to the Zoning Board of Appeals and Walter Slomka to the Zoning Board of Appeals as an alternate member, terms to expire 4/1/10 and 12/31/08 respectively.

five (5) Ayes Carried

Supervisor Eagan stated that the Town Board, as Lead Agency for the Darling re-zoning (proposed Creekfield Subdivision) at Boston State Road (across from Omphalius Rd.), has reviewed information provided by involved agencies, as well as public comment. Upon consideration of the relevant areas of environmental concern, the Town Board has determined that the action may include the potential for at least one adverse environmental impact in accordance with 6 NYCRR Part 617.7 of State Environmental Quality Review (SEQR), requiring preparation of an Environmental Impact Statement (EIS).

A motion was made by Supervisor Eagan and seconded by Councilman Mead for the Town of Boston to prepare and file a Positive Declaration for the Darling Rezoning (proposed Creekfield Subdivision) at Boston State Road (across from Omphalius Rd.), requiring the preparation of an EIS. The Positive Declaration will be prepared, filed, distributed, and published as prescribed in section 617.12 of SEQR and will state that scoping will be conducted by the Town of Boston.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

MARCH 16, 2005 7:30 P.M.

Supervisor Eagan read letters of request for appointment to the Assessment Board of Review from Phyllis Pawlowski and Frank Lisowski.

Councilman Mead noted, that he and Town Attorney Vacco discussed a possible conflict of interest should Mr. Lisowski be appointed to the Assessment Board of Review.

Town Attorney Vacco commented that if Mr. Lisowski was appointed to this position, to avoid the appearance of impropriety, he should remove himself from the process if the petitioner has had any previous citing from him as Deputy Code Enforcement Officer.

Councilman Mead stated that he would like to see a mix of real estate and construction expertise on the Assessment Board of Review.

Supervisor Eagan commented that appointing someone whose qualifications are greatly inferior compared to the other applicants is an injustice to the Town of Boston residents.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to appoint Frank H. Lisowski to the Assessment Board of Review, term to expire 9/30/06.

Councilman Mead Ave

Councilman Hopkins Aye

Councilman Simmeth Ave

Councilman Hawkins Nav

Supervisor Eagan Nav

three (3) Ayes two (2) Nays Carried

DEPARTMENT ANNOUNCEMENTS/ACTIONS

Received and filed the Supervisors final report of General Ledger Statement of Income and Expenditures for 2004.

Received and filed monthly reports from the Supervisor, Town Justices, Code Enforcement Officers, Dog Control Officers and Recreation Director.

Supervisor Eagan reported that he filed the Annual Financial Update Document for 2004 with the Town Clerk's office and State Comptroller's Office.

Supervisor Eagan stated that he had the opportunity to meet with the Erie County Association of Governments. There has been discussion as to what the Legislature and County Executive may want to

pass on to Town Governments, such as additional roads and park responsibilities. The Legislature and the County Executive will be informed that towns will not accept any more roads to plow or accept the responsibility of any costs not directly involving immediate government.

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

five (5) Ayes Carried

Highway Superintendent Telaak stated that the brush pick-up flyer distribution should be completed by 3/19/05.

Highway Superintendent Telaak stated that there would be an auction held on April 16, on Route 20 in East Aurora to sell surplus equipment from the Highway Department.

Town Attorney Vacco stated that she reviewed Snowmobile Local Laws from other towns and the Town of Boston Snowmobile Law can be amended to include sidewalks.

REGULAR BOARD MEETING TOWN HALL

MARCH 16, 2005 7:30 P.M.

Supervisor Eagan stated that the Town of Boston should not restrict the recreational use of snowmobiles.

Town Attorney Vacco stated that she would draft the local law for review by the Board.

Councilman Hawkins stated that he held a traffic safety meeting and some of the issues discussed included snowmobile safety, traffic study on Omphalius and Back Creek erosion problems.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to adjourn the meeting at 8:18 p.m.

five (5) Ayes Carried