

## **Town Board Minutes March 17, 2004**

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

Absent: Highway Superintendent Wayne C. Kreitzbender

A moment of silence was observed for troops deployed in Iraq.

Received and filed updated list of members from the Boston Emergency Squad.

### **PROCLAMATION - ARMY SPECIALIST KIMBERLY RUH**

Supervisor Eagan presented the proclamation to Army Specialist Kimberly Ruh.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the March 3, 2004 meeting.

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins upon review by the Town Board, that fund bills on the Abstract dated March 11, 2004 in the amount of \$438,959.78 minus voucher #179 in the amount of \$176.42 for a total of \$438,783.36 be paid.

five (5) Ayes    Carried

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan to pay voucher #84 in the amount of \$889.65 from the February 25, 2004 abstract.

five (5) Ayes Carried

Received and filed Erie County Sheriff's Report for February 2004.

Received and filed Resolution from Erie County Legislator's Holt, Smith & Schroeder supporting The Dollar Homes Initiative and Erie County's Agreement with HUD.

Requests from the Floor

Edward Mye, 9235 Dunn Road: Supervisor Eagan, you were going to make a call to Foit-Albert, where do we stand on that?

Supervisor Eagan: Foit-Albert is supposed to have another meeting with Highway Superintendent Kreitzbender. There has been another plan discussed that makes more sense. There is another area in town that was similar to the Dunn Road situation. The Highway Department and Foit-Albert are going to handle Dunn Road in the same fashion. I spoke to Highway Superintendent Kreitzbender; stone and other material have been ordered.

Edward Mye: I understand. With all the snow the other day, it's just dangerous for the kids. Thank you.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the application for use of facility from the Boston Democratic Club for April 10, 2004.

five (5) Ayes Carried

Received a letter from Kenneth A. Szyszkowski regarding the purchase of vacant land on Woodlee Court.

Town Attorney Vacco: There are stipulations in the approved subdivision of Woodlee Court, where two of the lots are situated in both the Town of Boston and the Town of Orchard Park.

Town Attorney Vacco Cont'd: One of the conditions placed upon the approval of the sub-division was all homes would be built on the portion of the lot that was in the Town of Boston. The Town of Boston will service that lot. There are individuals that want to purchase those lots but want to build far off the road, which would place the house in the Town of Orchard Park. I have been in touch with Town Attorney Leonard Berkowitz of Orchard Park, and we are in agreement that the Town of Boston could annex those portions of both those lots that are situated in the Town of Orchard Park, therefore, essentially changing the lot line. That property would become the Town of Boston. Therefore, the property owner could build anywhere on the lot and the Town of Boston would receive the tax benefits from that home being built there.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to have Town Attorney Vacco prepare the appropriate documents for the annexing of property on Woodlee Court.

five (5) Ayes Carried

#### RESOLUTION 2004 ? 8 REFUSE LICENSES ? BFI & WASTE MANAGEMENT

Supervisor Eagan: Regarding the Willow Drive turnaround, we did agree to take some steps at the last meeting. The Engineering Consultant's have gone out and successfully completed their boring tests of the roadbed that Mr. Bernardi is addressing. We will report on that as soon as we receive the results from the boring samples.

A motion was made by Councilman Hopkins and seconded by Councilman Mead to table the Willow Drive turnaround issue until results are received from the boring samples and opinions from the Town Attorney.

five (5) Ayes Carried

#### SUPERVISOR REPORT

Supervisor's Financial report for February, 2004 was received and is on file in the Town Clerk's office.

Supervisor Eagan: At our last meeting, we agreed to go ahead with the construction of a new snack shack. We negotiated the price down from \$66,000 to \$61,000. There is a construction schedule that each of you received for that facility. Our recreation committee is meeting next week to discuss their part in finishing off the interior of this building.

Supervisor Eagan noted that the creative playground at Boston Valley Elementary School had to be torn down for various reasons. The PTA of Boston Valley School has raised a considerable amount of money. The target date to begin construction of the new playground is April 20th. Anyone from the public is welcome to aid in the construction of the new playground. Anyone that is interested in helping can contact my office or Principal Eric Pearlstein.

Supervisor Eagan announce there will be an Omphalius Road informational meeting sponsored by Erie County Legislator Jeanne Z. Chase for all Town of Boston Government Officials and Staff on Tuesday, March 30, 2004 from 6:00 p.m. to 7:30 p.m.

Supervisor Eagan thanked Senator Volker for the \$24,700 in grants money originally to be used for the traffic light at Boston State Road and West Tillen. At the same time, grant monies were received from Assemblyman Smith for that use. Supervisor Eagan asked Senator Volker's office to re-appropriate that money for other uses. The Town Board recommended deferring some of the cost of the snack shack as well as upgrading some of the Town's ball fields and Senator Volker agreed.

#### TOWN CLERK REPORT

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

five (5) Ayes Carried

#### COUNCILMAN REPORT

RESOLUTION 2004 ? 9 REQUESTING A ?SCHOOL ZONE SPEED LIMIT?

AT THE BOSTON VALLEY SCHOOL

#### ASSESSOR REPORT

A) The Assessor?s monthly report for February 2004 was received and is on file in the Town Clerk?s Office.

#### CODE ENFORCEMENT OFFICER?S REPORT

A) The Code Enforcement Officer?s monthly report for February 2004 was received and is on file in the Town Clerk?s Office.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve Code Enforcement Officer Kramer to attend the State Certification Educational Conference on March 22-24, 2004 in Henrietta, NY at the cost of \$420.00.

five (5) Ayes Carried

#### DOG CONTROL OFFICER?S REPORT

A) The Dog Control Officer?s monthly report for February 2004

was received and is on file in the Town Clerk's Office.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to adjourn the meeting at 7:52 p.m.

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DAVID J. SHENK, TOWN CLERK