

Town Board Minutes March 3, 2004

REGULAR BOARD MEETING TOWN HALL

MARCH 3, 2004 7:30 P.M.

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

Sister Florence Wendling, St. John the Baptist Roman Catholic Church opened the meeting with a prayer.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to allow Supervisor Eagan to enter into an agreement with Morton Builders concerning a new snack shack for our park behind the Town Hall.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth upon the recommendation of Town Attorney Vacco to authorize Supervisor Eagan to execute an easement agreement between Boston Hills LLC and the Town of Boston to have permanent access to a pond that serves as a dry hydrant for certain properties on Deer Run.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adopt the minutes of the February 4, 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 February 25, 2004 in the amount of \$152,600.12 minus voucher #84 in the amount of \$889.65 for a new total of \$151,700.47 be paid.

five (5) Ayes Carried

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

Received and filed correspondence from Christian and Tara Pfarner regarding snowmobiles using sidewalks as trails on Boston Cross Road.

Councilman Hopkins: We are going to work with the Pfarner's and the local snowmobile club on putting up a sign up to deter the snowmobiles from using the sidewalks.

Supervisor Eagan: We are not implying that the local snowmobile club is using the sidewalk. We are not sure who has been using it as a trail.

Received and filed letters from Senator Volker and Congressman Quinn regarding Resolution 2004-7 Seneca Nation of Indians Honoring The Indian Treaties with the United States.

Requests from the Floor

Richard Boyd, Sprague Mobile Home Park, 8229 Boston State Rd. Supervisor Eagan, I would like to confirm the discussion that we had on Monday, March 1. I do not plan to execute the security agreement sent to me by Town Attorney Vacco.

I would like to address Deputy Code Enforcement Officer Lisowski. I have a copy of the mobile home inspection from June 13, 2003 stating several violations. My question to you is why is Jim and Janet King's fence, which is not on my property, included in my inspection report?

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Deputy Code Enforcement Officer Lisowski: Because the person plowing the snow at your park is the person who pushed it down by continuously pushing the snow against it.

Richard Boyd: So what you are saying is, the age of the fence and the closeness to which it was placed to the park had nothing to do with the demise of the fence?

Supervisor Eagan: The purpose of requests from the floor is to make a statement or ask questions of the board. This is in litigation. These matters are for the court. I do ask that you stay; we are going to address your permit tonight.

Edward Mye, 9235 Dunn Road: Supervisor Eagan, where do we stand with the Board meeting and approving the second proposal you received from Foit-Albert on repairing the road?

Supervisor Eagan: We are looking at funding possibilities, but we also have not received a report from our Highway Superintendent concerning his discussions with Foit-Albert. We have asked them to look a little deeper because we don't want to do something that is temporary. I'm also looking into where we are getting the funding and what the project will cost. This is not going to happen overnight. We are trying to follow procedure. Please give us some time.

Mr. Edward Mye: I keep getting told it's not an overnight thing. The last step we made was six weeks ago.

Supervisor Eagan: Right, we only had one meeting in the month of February. We are back on our regular schedule now. I will call Foit-Albert tomorrow and see what progress they have made.

Tara Pfarner, 6861 Boston Cross Road: In regards to my letter previously discussed, I thank you all for your attention to this matter. I was just hoping to perhaps put up some signage or generally educate snowmobiler's about the situation.

Received letter from Boston Youth Softball Association regarding the placement of a batting cage on Town property.

Councilman Mead: I had a conversation with Sue Lanham, President, Boston Youth Softball and administrator of the Leigh Emerling Memorial Fund. Sue has met with the other members of the fund and has asked to put a batting cage on town property, next to diamond 4. It's a good choice for using some of the money from the fund. The league is requesting the town review the proposal for the batting cage. We did discuss this at our agenda meeting and we're all in favor of it. We would like to forward it to the Parks Director for his approval.

Supervisor Eagan: We want to make sure you are not putting the cages over something that we may have to get to. Is this going to be permanent?

Sue Lanham: Yes. We are looking at permanent cages to prevent any type of vandalism. We were also looking to purchase a ready made shed to have inside the fencing to house the pitching machine and other equipment that would be used there. It would be inside the actual batting cage.

Supervisor Eagan: I thought it was going to be put up in the spring and taken down when the season was over. So this is more of a reason to have the Parks Superintendent notified about this.

Councilman Simmeth: What are the dimensions on that?

Sue Lanham: I believe it's 12 feet wide and 60 feet long.

Councilman Mead: Do you have any literature with that?

Sue Lanham: No. We are looking at fencing.

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Councilman Simmeth: How high is it?

Sue Lanham: I'd say 54'-55'?

Councilman Hawkins: Maybe we should have the Capital Improvement Committee look at that?

Supervisor Eagan: Are we talking about the southside of the backstop, but behind the bleachers?

Sue Lanham: I'm thinking behind the bleachers, because our electric is already there.

Councilman Simmeth: What supports the netting? Is there metal pipes or plastic?

Sue Lanham: It will be regular fencing.

Supervisor Eagan: You mentioned the scoreboard, so that is inside the field; inside the fence, and it won't interfere with football's end zone?

Sue Lanham: No, it would be on the dirt, behind the bleacher, along the first base line.

Supervisor Eagan: One of the issues we discussed is drainage. As you know we have some drainage problems in that immediate area. It's always wet. This might be a good reason to push to have that taken care of.

Sue Lanham: Well, if that happens, is it going to delay us?

Councilman Mead: That is one of the reasons we want to forward it to the Parks Superintendent.

Supervisor Eagan: We don't want you to put it up and say it's wet here. Then we have to move things around. The general opinion of this board is to approve this.

Councilman Simmeth: So this is going to be permanent?

Sue Lanham: Yes.

Councilman Simmeth: You are actually going to put up a chain link fence and house the shed inside the fence.

Sue Lanham: Yes.

A motion was made by Councilman Mead and seconded by Councilman Hopkins to forward the request from Boston Youth Softball Association requesting a batting cage to Parks Superintendent, Kreitzbender.

five (5) Carried

A motion was made by Councilman Hopkins and seconded by Supervisor Eagan to forward the Special Use Permit from Marcia Baeumler, 5785 Herman Hill Road to the Planning Board for review and recommendation.

five (5) Carried

A motion was made by Supervisor Eagan and Seconded by Councilman Mead to table the request from Anthony Bernardi regarding a Willow Drive turnaround until after reports are received from the Town Engineer.

five (5) Carried

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A motion was made by Councilman Hawkins and seconded by Supervisor Eagan to reappoint Richard Lee to the Conservation Advisory Board, term to expire 3/1/2007.

five (5) Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan to reappoint Eugene Wallace to the Zoning Board of Appeals, term to expire 4/1/2009.

five (5) Ayes Carried

The following professional services quotes were received:

Internet Services Group \$5,987

Aurora Consulting 18,900

Platinum Communications 5,400

A motion was made by Councilman Mead and seconded by Councilman

Simmeth upon the recommendation of Town Clerk Shenk, to approve the use of Internet Services Group to design the Town's Web page at a price of \$5,987.

five (5) Ayes Carried

Councilman Mead commented that the money received for this service is from a grant.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to authorize Supervisor Eagan to sign the amendment to the Service Award Program dated February 18, 2004 from Peneflex, Inc.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to schedule a public hearing to consider increasing the income levels for senior tax exemptions for April 7, 2004 at 7:45 p.m.

five (5) Ayes Carried

Received and filed a report regarding the Association of Towns Training School & Annual Meeting from Supervisor Eagan and Assessor Hornberger.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to appoint Robert Bulger as an alternate member to the Zoning Board of Appeals term to expire 12/31/2005.

five (5) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Councilman Mead to appoint Richard Hody to the Planning Board, term to expire 2/1/09 and David Bernas as an alternate member to the Planning Board, term to expire 12/31/2005.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan to keep the dates of July 14th ? July 19th, 2004 open to allow the Boston Hillfest Committee to use the Town Park contingent upon completing an application. Coordination of the dates and times with the Parks Superintendent and of the baseball and softball leagues should be in writing. If they intend to have fireworks and a parade, proof of fire suppression and traffic control is required. This information is needed by April 1, 2004.

five (5) Ayes Carried

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A motion was made by Councilman Mead and seconded by Councilman Hopkins to deny the request for \$2,500 for a fireworks display.

five (5) Ayes Carried

SUPERVISOR REPORT

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

Supervisor Eagan asked Town Clerk Shenk to call the Erie County Highway Department regarding an overturned manhole cover near 6634 Omphalius Road.

Supervisor Eagan reported a meeting between the Towns of Boston, Concord and Orchard Park regarding the task force for the Scenic By-way designation. The task force has determined that a budget of \$15,000 is needed. With that determination, Orchard Park Supervisor, Tony Cudney, took it upon herself to write the various elected officials, asking for contributions from each of their respective offices to help with pursuing this designation. Supervisor Eagan stated that this is a regional effort crossing various town boundaries, and it is our hope that these elected officials will make contributions to help move this designation forward. We do plan to make the application in late spring.

Supervisor Eagan appointed Constance Ann Crossan, 5060 Shero Road as the new Town Historian, term to expire 12/31/04.

Supervisor Eagan stated that putting up the snack shack is going to take a community effort.

Supervisor Eagan thanked the people in water district #3 who supported the effort to try and work out the bugs in the project. A pre-construction meeting was held with all parties, agencies and contractors. We now have a green light for construction. Activity began last Friday. Weather permitting, it will continue with a late November completion.

TOWN CLERK REPORT

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

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to amend the following board appointments

Meeting	Appointee	Board	Original Term	Correction
03/19/03	Lynn Zachman	CAC	03/01/05	03/01/06
04/02/03	Sarah K. DesJardins	CAC	03/01/05	03/01/06
05/21/03	Bruce E. Chamberlain	CAC	03/01/05	03/01/06
9/17/03	Jennifer Warnes	ZBA	no term	12/31/04

Alt.

five (5) Ayes Carried

Town Clerk Shenk noted that town taxes are due March 15th. The office will be open late Thursday and Friday, March 11th and 12th until 8:00 p.m. and Monday, March 15th until 9:00 p.m.

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TOWN ATTORNEY REPORT

Town Attorney Vacco will be forwarding a letter to Erie County Department of Highways regarding the three fire hydrants that are in desperate need of assistance and repair.

The Erie County Water Authority stated that they would not help us. We will seek out a source of funding to help assist the town with those costs.

Town Attorney Vacco stated that the Sprague Mobile Home Park has been operating without a license since June 2003. It is unfortunate that Mr. Boyd is not inclined to cooperate with the town in signing the security agreement. However, our hands are tied. That is his prerogative. I recommend to the Town Board that they issue the license with the original stipulations that were passed with the conditional issuance of the license. That condition being that the fence be erected and the original citations be correct within 60 days.

Deputy Code Enforcement Officer Lisowski: Mr. Boyd has made an effort and he is aware that he has to have all 21 violations rectified.

Town Attorney Vacco: When the Board gave conditional issuance of the license, the fence had to be erected, the original violations up to June 2003 had to be corrected, and a security agreement be entered into and certain funds put into escrow. Those additional violations that you stated need to be addressed. However, for the purpose of getting this license issued, the original violations must be addressed. We gave him a 60-day time period in which to do that. I would recommend to the town board that they do grant the license based on those two conditions.

Town Attorney Vacco addressed Mr. Boyd and told him that if these violations are not met by June, the Board has the power to revoke the license. I can also recommend having the town appointed as the receiver of rents. After which point, we can go to Supreme Court and have the Town of Boston appointed as receiver of rents. The Town will then be allowed by court order to take those monies and make the necessary repairs to bring the mobile home park into compliance with the code.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve the license with the stipulation that the original violations cited in June 2003, as well as the erection of the fence as a barrier, as required by our town code, be made within 60 days. License to expire on June 30, 2004

Five (5) Ayes Carried

COUNCILMAN REPORT

Councilman Simmeth noted that if anyone notices a street light out to call him, Town Clerk Shenk or Highway Superintendent Kreitzbender.

Councilman Simmeth stated there is a drainage problem on Power line Road between Boston Cross and Boston Colden Roads. The town does not have jurisdiction there. Niagara Mohawk was contacted and they will send someone to resolve that problem.

Councilman Simmeth stated there is another drainage issue down on Rollin and Hillcroft Drive. The ditch is going to have to be cleaned.

Councilman Hawkins thanked Town Attorney Vacco for her diligent effort in trying to take care of the fire hydrant problem.

Councilman Hawkins attended a meeting regarding interest and development in the Town's where low interest grants could be available.

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Supervisor Eagan commented on the Forest Plan that is being recommended by some county leaders who are doing a study. They are entertaining the idea of logging on county lands. It is referred to as The Act of Forest Management Program.

ASSESSOR'S REPORT

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

TOWN JUSTICE REPORT

A) The Town Justice monthly report for January, 2004 was received and is on file in the Town Clerk's Office.

PLANNING BOARD REPORT

A) The Planning Board 2003 annual report 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 January, 2004 was received and is on file in the Town Clerk's Office.

DOG CONTROL OFFICER'S REPORT

A) The Dog Control Officer's monthly report for January, 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 8:20 p.m.

DAVID J. SHENK, TOWN CLERK