

Town Board Minutes March 7, 2001

REGULAR BOARD MEETING TOWN HALL

MARCH 7, 2001 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, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Perley.

Deacon Kevin Elsaesser, Good Shepherd Lutheran Church, opened the meeting with a prayer.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the February 21, 2001 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 General Fund and

Special District Bills on Abstract #3, dated March 7, 2001 in the amount of \$73,156.47 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills, upon Town Board review, that Highway Bills on Abstract #3, dated March 7, 2001 in the amount of \$12,006.51 be paid.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Tills to adopt the Town Clerk's Monthly Report for February 2001.

five (5) Ayes Carried

Received and filed a draft copy of the Town of Boston Inventory for the Comprehensive Plan from Peter J. Smith & Company.

Town Clerk Shenk requested the press announce that the Inventory for the Comprehensive Plan is on file at the Town Clerk's Office.

Supervisor Rood announced that there will be an Informational Hearing sponsored by Peter J. Smith & Company regarding the Comprehensive Plan on March 15, 2001 at 7:00 pm in the Town Hall.

PROCLAMATION - NICHOLAS ROZBORSKI FOR EAGLE SCOUT

A motion was made by Councilman Wiktor and seconded by Councilman Mead to accept the resignation of Zintars Z. Zadins from the Boston Planing Board effective immediately and to direct the Town Clerk to send a letter thanking Mr. Zadins for his years of service.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the resignation of Jo Ann Santonocito from the Zoning Board of Appeals effective immediately and to direct the Town Clerk to send a letter thanking Ms. Santonocito for her years of service.

five (5) Ayes Carried

Received and filed a letter from Margaret A. Andrzejewski requesting appointment to the Planning Board.

A motion was made by Supervisor Rood and seconded by Councilman Tills to appoint Margaret A. Andrzejewski to the Planning Board, term to expire 2/1/06.

five (5) Ayes Carried

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Received and filed a letter from Brien M. Hopkins requesting appointment to the Zoning Board of Appeals.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to appoint Brien M. Hopkins to the Zoning Board of Appeals, term 4/1/01 to 4/1/06.

five (5) Ayes Carried

Supervisor Rood noted that Margaret Andrzejewski and Brien Hopkins served as Alternate Members on the Boards they have been appointed to and therefore are both up to date on the issues and procedures.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to approve the Correction of the Transfer of Appropriations as follows:

General Fund & Special Districts-12/28/00 Town Board Meeting

Cap. Water #2 EXT #2

Approp X-HSW2 960 \$9,136.04

From: Fund Bal X-HSW2 909 9,136.04

To: Trans/Distribution X-HSW2 8340.4 9,136.04

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to refer to the Planning Board, for review and recommendation, a special Permit for Co-Location of a Wireless Communication Facility at 6405 Ward Road from Nextel Partners Inc.

five (5) Ayes Carried

Received and filed notification of approval from NYS DEC for a Trout Stocking Proposal for Eighteen Mile Creek.

Supervisor Rood noted that a Town Board concern is designating an area that allows fishing that is not posted private property.

Town Attorney Perley reported that in his opinion, and based upon 1997 and 1999 NYS Court of Appeals Cases, private property owners have the right to restrict access onto their property and restrict fishing in the areas where they own the creek bank or creek bed. Town Attorney Perley will file a formal opinion letter with the Town Clerk available to the public.

Councilman Simmeth noted that he and Highway Superintendent Kreitzbender will install signs at the north and south ends of the stream informing the public where they are allowed to fish.

Councilman Simmeth thanked CAC Member Gary Huber who obtained one thousand (1,000) signatures needed to seek NYS DEC approval for the Trout Stocking Proposal.

Supervisor Rood commented that the Trout Stocking Proposal is a one-year trial program and if there are problems the program can be eliminated.

Councilman Tills commented that the DEC maps should designate the Boston Town Park as a public fishing area.

Councilman Simmeth is the contact person for the Trout Stocking Program.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to approve the NYS DEC Trout Stocking Proposal for Eighteen Mile Creek.

five (5) Ayes Carried

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Supervisor Rood commented that the Capital Improvements Committee met on March 6, 2001 and reviewed the R&D Engineering plans for the Town Park 24'X32' building to be used for additional restrooms, storage and a new concession stand.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize the Town Clerk to advertise for Bids for a Multi Use Building for the Boston Town Park and to schedule the bid opening for March 30, 2001 at 10:00 am.

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor Rood reported that developer Patrick Morris & Associates, interested in providing senior housing in the Town of Boston, conducted a meeting on February 22, 2001 in the Town Hall Community Room. Suggestions and input from potential senior residents were given.

Supervisor Rood reported that she and Legislator Chase scheduled a meeting with Erie County Parks Commissioner Jasinski to discuss the horse trails in county parks.

Supervisor Rood thanked Joseph Burkett, a retired naturalist/ architectural engineer, accredited with the Audubon Society, who offered his expertise of thirty-five (35) years to map out the new Town of Boston nature trail that will be installed this spring.

Supervisor Rood read a Commendation by the US Department of the Army certifying that the Secretary of the Army has awarded Town Clerk Shenk, (Sgt. David Shenk) the Army Achievement Medal for exemplary service during Joint Forces Exercise Purple Dragon/Purple Caduceus which was instrumental in the success of the 1982nd FST'S Mission.

The Town Board congratulated Town Clerk Shenk.

TOWN CLERK REPORT

Town Clerk Shenk announced that Town and County taxes are due March 15, 2001. The Town Clerk's office will be open Tuesday and Wednesday, March 13th and 14th until 8:00 p.m. and Thursday, March 15th until 9:00 p.m.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender announced that brush pick up will begin April 9th, May 14th, September 10th and October 1st, each session continuing until completed.

Highway Superintendent Kreitzbender reported that the complete repaving of Liebler Road is scheduled for May 21st, 2001 weather permitting.

Highway Superintendent Kreitzbender announced that the County Highway Departments are on hold with the CHIPS program but the towns will receive CHIPS funds. The Town of Boston road projects has been designated for use of the CHIPS funds.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the Town Board held a Public Hearing on March 5, 2001 regarding the Gerwitz Demolition Order for 5773 Herman Hill Road. The Code Enforcement Officers will do a detailed inspection of the property over the weekend to determine if the structure has suffered irreparable damage from the weather. Town Attorney Perley requested that the Board defer a decision until all information has been reviewed.

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TOWN ATTORNEY REPORT (CONT.)

Town Attorney Perley reported that Code Enforcement Officer Kramer has determined that the property owned by Vincent Sitarek, 9111 Zimmerman Road at Rice Road is unsafe.

RESOLUTION 2001-08 ORDERING REMOVAL OF STRUCTURES OWNED BY VINCENT SITAREK

Town Attorney Perley reported that he delivered to the Town Board and Town Clerk a decision from the Judicial Officer in the matter of Bert Feltz. The decision is adverse to the interest of the Town of Boston and orders the reinstatement of Mr. Feltz. The Town Board has serious reservations regarding this decision.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to grant Town Attorney Perley authorization to appeal the Bert Feltz decision to the Appellate Division of the Fourth Dept.

five (5) Ayes Carried

Town Attorney Perley reported that an appraisal of \$17,000 has been received for property owned by Thomas Czechowski, 8734 Boston State Road, which borders on Eighteenmile Creek. The parcel is being considered for inclusion in the development of the Town Park project.

RESOLUTION 2001-09 AUTHORIZE SUPERVISOR TO EXECUTE ALL NECESSARY DOCUMENTS TO PURCHASE THOMAS CZECHOWSKI

PROPERTY

RESOLUTION 2001-10 ACCEPT THE TRANSFER OF A CERTAIN PROPERTY OWNED BY ORMUS DAVENPORT JR.

COUNCILMAN REPORT

Councilman Mead reported that a new computer system and software has been installed in the Assessor's office. New software will be installed in the Code Enforcement Officer's system.

Councilman Wiktor announced that on March 5, 2001 he represented the Town of Boston at the North Boston Fire Company where eleven year old resident Kevin Lockwood was presented with a plaque for his valiant efforts during a fire in his home.

Councilman Wiktor reported that Dean Messing, Erie County Emergency Service Coordinator, completed the Emergency Management Institute Hazardous Materials Preparedness Response course, which will benefit Southtowns Hazmat Team and local fire companies.

Councilman Wiktor reported that the fire companies are experiencing a number of false alarms. NYS has a penal code which addresses this issue.

Councilman Wiktor announced that the Town of Boston is accepting applications from residents sixteen (16) to adult for summer positions with the Boston Recreation Department. Positions are available for supervisors, attendants and lifeguards. Applications are available at the Town Hall and High School Guidance offices.

Councilman Simmeth, as Chairman of the Traffic safety and Highway Committee read a letter noting that he, Highway Superintendent Kreitzbender, Trooper Carpenter and Sgt. McGee are in agreement that the speed limit on Back Creek Road should be lowered and recommends that a resolution be presented at the next Town Board meeting for approval.

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COUNCILMAN REPORT (CONT.)

Councilman Simmeth urged residents who have concerns for the Town of Boston to attend the Peter J. Smith Informational Hearing on March 15, 2001, at 7:00 p.m. Draft copies of the Inventory for the Comprehensive Plan are in the Town Clerk's office for perusal. This is an important meeting and the blueprint for the next twenty (20) years.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for February 2001 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICERS MONTHLY REPORT

A) Dog Control Officers monthly report for February 2001 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for February 2001 was received and is on file in the Clerk's Office.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:12 p.m.

DAVID J. SHENK, TOWN CLERK