

## **Town Board Minutes May 1, 2002**

REGULAR BOARD MEETING      TOWN HALL

MAY 1, 2002      7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Thomas A. Edington, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor William A. Eagan, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to refer to the Planning Board an application for a Site Plan Review for the Boston Grille, 7115 Boston State Road.

five (5) Ayes      Carried

RESOLUTION 2002-23      NYS UNIFIED COURT SYSTEM JUSTICE

COURT ASSISTANCE PROGRAM GRANT

Town Attorney Perley reviewed and approved the proposed Agreement from Connie Miner, Grant Consultant for legality.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize the Supervisor to sign an agreement to retain the services of Grant Consultant Connie Miner for the period of May 1, 2002 and ending April 30, 2002 for a sum of \$12,000.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a Public Hearing for Local Law #2 on the Noise Ordinance for June 5, 2002 at 7:45 p.m.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Edington to adopt the minutes of the April 17, 2002 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Edington, upon review by the Town Board, that the Fund Bills on Abstract #5, dated May 1, 2002 in the amount of \$33,206.85 be paid.

five (5) Ayes Carried

Received and filed from NYS Office of Real Property Services a Certificate of Attendance for the Board of Assessment Review Training for Ken Kloeber.

#### REQUESTS FROM THE FLOOR

Jay Zimmer, S9817 Boston State Road, Glenwood NY, requested the Town Board sign a note attesting to the attendance of a Thailand exchange student at tonight's meeting for a homework assignment.

Tom Lanham, President Boston Youth Baseball, noted at the 4/17/02 Town Board meeting that the position he referred to as Recreation Coordinator is actually titled Recreation Aide. The combined enrollment for 2001 Baseball and Softball was 393 participants and to date the enrollment for the 2002 season is 437 participants.

Received from James King, 8219 Fisher Drive, a request for Town Board assistance with regards to damage to his property from the residents of Sprague Trailer Park.

James King, 8219 Fisher Drive, noted that he believes he has done everything possible to address this situation and if the town issues permits it should request a fence be installed.

Councilman Mead noted that the Town Board has the same concerns regarding the installation of a fence.

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Town Attorney Perley commented that with regards to a fence there was a question of ownership and part of Mr. King's dispute is essentially between private individuals. Whether or not this Town Board, as part of the license procedure for the Mobile Home Court, has jurisdiction to take action over a fence belonging to someone else needs to be considered.

James King noted that this matter need not become a matter of a fence. The Town Board, if it has permit power, needs to have the trailer park maintain its own fence.

A motion was made by Councilman Wiktor and seconded by Councilman Edington, on the recommendation of Recreation Director Clesse, to approve the following appointments to the Summer Recreation Day Camp 2002, term effective 5/1/02 and to expire 8/31/02:

Re-Appointments:

Cathy Maghran, RN      Medical Director \$200.00/Season

Alexandria Hess Craft Supervisor \$6.25

Adrea Odden      Craft Supervisor \$6.25

Jessica Arlow      Counselor      \$5.25

Kate Barbati      Counselor      \$5.80

Maria Greene      Counselor      \$5.60

Tracy Guzzetta      Counselor      \$5.50

Cathleen Klein      Counselor      \$5.80

Michael Klein	Counselor	\$5.50
Emily Lundberg	Counselor	\$5.25
Drew McNichol	Counselor	\$5.60
Kelly Murphy	Counselor	\$5.50
Julie Pietrzak	Counselor	\$5.50
Nicolas Poblocki	Counselor	\$5.50

New Employees:

Mary Callahan	Day Camp Director	\$2500.00/Season
Michael McCloud	Counselor/Lifeguard	\$5.25/7.00
Joseph Siebert	Counselor	\$5.25
Jill Thomas	Counselor	\$5.25
Alicia White	Counselor	\$5.25

Substitutes:

Jessica Brown	Counselor	\$5.25
Lauren Forness	Counselor	\$5.25
Daniel Hubert	Counselor	\$5.25
Kelly Mead	Counselor	\$5.25
Sarah Rayeski	Counselor	\$5.25
Kelly Rosiek	Counselor	\$5.25
Joshua Wrazen	Counselor	\$5.25
Cassandra Clark	Counselor/Lifeguard	\$5.25/7.00

five (5) Ayes Carried

Received notification from Councilman Simmeth, Chairman Traffic Safety and Highway Committee that a request from Trevett Road residents for a reduced speed limit from 55 mph to 45 mph has been reviewed and determined that a reduction is warranted.

RESOLUTION 2002-22 LOWER SPEED LIMIT ON TREVETT ROAD

Received a request from Gale Speich for use of the Lions Shelter on May 11, 2002 for a birthday party. No alcoholic beverages will be served and a \$50.00 deposit has been received.

A motion was made by Councilman Simmeth and seconded by Councilman Edington to grant Gale Speich permission to use the Lions Shelter on May 11, 2002 for a birthday party.

five (5) Ayes Carried

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At 7:55 p.m. a Public Hearing  
was held for the purpose of  
hearing public comments on proposed  
Local Law No. 1 of the Year  
2002, entitled A Local Law  
Providing for a Four-Year  
Term for the Office of the  
Town Superintendent of Highways.

Supervisor Eagan read the legal notice.

A motion was made by Councilman Mead  
and seconded by Councilman Wiktor to  
open the Public Hearing.

five (5) Ayes Carried

Town Clerk Shenk read a letter from

Carol Heffley, 7150 Omphalius Road, received on 5/1/02, 2:24 p.m. stating that she and her husband John are in favor of extending the term of Highway Superintendent to four years.

Darcy Stotz, 6682 Holiday Drive: It is difficult for any Highway Superintendent to do a job for a year. They have a plan and then the next year they are starting their campaign. With a four-year term there is at least three years to work on your plan. Eden is the only town in this area that has a two year term and it seems that four-year terms are better for the town.

Milford Lickfeld, 6487 LuDon Drive: I have worked with Highway Superintendent Kreitzbender for three years and I see what he has to go through in a two-year period. I am in favor of a four-year term. We would get a lot more accomplished.

Joseph Wells, 9098 Boston State Road: I think a four-year term would be beneficial. The Highway Superintendent starts projects and halfway through we ask people to decide what they think of the project. Give him four years to complete projects. Surrounding towns have four-year terms and it works well for them.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to close the Public Hearing at 7:58 p.m.

five (5) Ayes Carried

Town Attorney Perley noted that this matter needs to be approved subject to a referendum. If approved by the Town Board, a proposition will be placed on the November ballot for the Town of Boston citizens to vote for or against a four-year term.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to approve Local Law No. 1 of the Year 2002, Providing for a Four-Year Term for the Office of the Superintendent of Highways.

five (5) Ayes Carried

Received a letter from Boston Adult and Youth Soccer representatives requesting the status of the new soccer fields.

Supervisor Eagan commented that he attended the 2/6/02 meeting on plans for development of the soccer fields on Boston State Road. Peter J. Smith, consultants, needed to address limited parking spaces and traffic devices. Under study with Erie County is a Town Board resolution requesting installation of traffic devices.

Town Attorney Perley noted the Peter J. Smith concept plan includes construction of a new State Police barracks and until these plans are finalized, other development plans will be affected.

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Councilman Wiktor commented that he also attended the 2/6/02 meeting and we are waiting for the Peter J. Smith final concept plan because a question arose as to how many and in what location will the soccer fields be located. The first plan had two fields and the Soccer Committee proposed a third field. A topography map is needed and also further input from the Soccer Committee.

Supervisor Eagan commented that the Boston Youth Soccer letter referenced that \$106,000 was appropriated under Culture and Recreation in the 2002 budget. In discussion with Town Board members who prepared the 2002 budget, Supervisor Eagan noted that he does not recall confirmation that an appropriation of \$106,000 was allocated to the proposed soccer fields.

Received a request from Donald Rachwal, 5474 Keller Road, to harvest hay on seventeen acres of land on Boston State Road from May to December, for a payment of \$300.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to deny Donald Rachwal, 5474 Keller Road, permission to harvest hay on seventeen acres of land on Boston State Road due to the ongoing activity on the parcel for the proposed soccer fields.

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a Public Hearing for May 15, 2002 at 7:45 p.m. for the SBA Network Services, Inc. co-location request at 6405 Ward Road.

five (5) Ayes    Carried

#### SUPERVISOR REPORT

Supervisor Eagan reported that he received confirmation from Certified Public Accounts Clarke & Koller that the year-end reports for 2001 have successfully been submitted to NYS and filed with the Town Clerk.

Supervisor Eagan reported that he received a complaint concerning trees at the Overhead Door site on Herman Hill Road.

Town Attorney Perley commented that he advised Mr. Kuhn, Overhead Door proprietor, that concerns have once again been raised regarding the issue of trees and he will continue to monitor the situation.

Supervisor Eagan reported that Boston Valley School requested that the Creative Playground be closed due to the infestation of bees and the continued problem with slivers. Erie County Cooperative Extension Master Gardeners assured that there would be no danger to the children as a result of spraying if the area was closed and posted.

Supervisor Eagan reported that on 4/25/02 he met with representatives from NYS State Police regarding an extension of their lease for a year to afford the Town time to prepare a package for a formal presentation to construct a new barracks.

The NYS police are interested in remaining in Boston and will consider a long-term lease.

Supervisor Eagan reported that he is researching financing for repair of the Town Hall front steps that have erosion damage.

There will be a meeting with the Capital Improvement Committee and our Grants Consultant has determined that grants may be available if we incorporate access for the disabled.

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Supervisor Eagan requested the Town Clerk distribute a memo to Department Heads and Committees that the agenda procedure has changed to allow the public and the Town Board an opportunity to review agenda items before the Town Board meetings.

Supervisor Eagan reported that he has been asked by neighboring towns to support a resolution urging Erie County to designate US Route 219 as a scenic highway. This is a positive way to protect our surroundings from billboards etc. that spoil our landscape.

## TOWN CLERK REPORT

Town Clerk Shenk thanked Deputy Clerk Ellis for administrating the Town Clerk's office during his recent military leave.

A motion was made by Councilman Simmeth and seconded by Councilman Edington to grant Deputy Town Clerk Ellis permission to attend the PERMA Conference in Lake George May 9-10, 2002. All appropriate expenses to be paid.

five (5) Ayes    Carried

## HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the brush pick-up has been completed from recent storms.

Highway Superintendent Kreitzbender reported the Capital Improvement Projects will begin on Rockwood and Enser Roads between the 15th and 20th of May. Patchin Road will follow.

Highway Superintendent Kreitzbender announced that \$74,000 was received from FEMA for the December 2001 snow storm and \$22,000 for road damage will be received in the near future.

Highway Superintendent Kreitzbender reported that he notified Councilman Simmeth, Chairman of the Traffic Safety Committee of a NYS DOT notification of a speed limit reduction from 55 mph to 35 mph on Shero Road from Back Creek to Zimmerman Road. Signs were posted upon notification.

Highway Superintendent Kreitzbender announced that the North Boston Park poles have been set for the backstop and will be completed by next week.

Highway Superintendent Kreitzbender reported that there is new fencing and a gate in the Town Hall Park to protect the fields.

Highway Superintendent Kreitzbender reported that the restroom project has begun. The cement will be poured next week and the Creekside Project contractor will hook up the sewers.

Highway Superintendent Kreitzbender reported that the driveway has been moved in the Town Hall Park and more fencing has been installed which will keep traffic away from children.

#### TOWN ATTORNEY REPORT

Town Attorney Perley reported that an application received on 4/22/02 from Devon Mobile Communications, Inc. for co-location on the tower at 6405 Ward Road, was sent to the Planning Board for review and recommendation before referral by the Town Board.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to refer to the Planning Board, for review and recommendation, an application from Devon Mobile Communications, Inc. for co-location on the tower at 6405 Ward Road.

five (5) Ayes    Carried

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#### COUNCILMAN REPORT

Councilman Mead inquired if the Highway Superintendent was removing the old fence in the Town Hall Park and if so is there any fencing left over could it be used for the new soccer fields.

Highway Superintendent Kreitzbender responded that he was using the old fence and adding to it.

Councilman Mead reported that he had the honor of attending a ceremony on April 28, 2002 in honor of Michael McCloud Jr., Boy Scout Troop 291 on becoming an Eagle Scout.

Councilman Mead presented Michael McCloud Jr. with a Proclamation.

#### PROCLAMATION ? MICHAEL McCLOUD JR. EAGLE SCOUT

Councilman Mead noted that Boy Scout Troop 491 is a wonderful asset for the Town of Boston and this is the eleventh Eagle Scout to be honored from this troop.

Councilman Wiktor reported that of the twenty-eight applicants interviewed for the Summer Recreation Program, only four were selected due to the return of the previous year's appointees. There are 22 college students, seven post college students and three high school students appointed for the program. Parents have said that they are comfortable knowing that mature adult supervision is responsible for their children.

Councilman Wiktor read a letter to the Town Board from Tracy Hirsch, 8171 Cole Road, commending Code Enforcement Officer Kramer and stating that it was a pleasure to work with him during the construction of his new home, that he was knowledgeable and informative throughout the construction process.

Councilman Simmeth reported that notification was received 4/25/02 from the NYS DOT that a 35-mph speed limit will be established on Patchin Road, from Boston State Road to Back Creek Road, and on Shero Road, from Back Creek Road to Zimmerman Road. The Highway Department posted signs for the new speed zone.

The NYS DOT notification addresses one complaint in a letter received from Jocelyn Staff in November 2001 on the issues of the speed limit on Shero Road, the "Children at Play" signs, enforcement and a 4-way stop sign. The speed limit issue has now been resolved, Highway Superintendent installed "Children

at Play? signs, the State Police enforce the area and the NYS DOT denied a 4-way stop sign believing it will cause more accidents.

Councilman Edington presented a resolution on US Route 219 in conjunction with Supervisor Eagan and Town Attorney Perley.

RESOLUTION 2002-24 URGING US ROUTE 219 BE DESIGNATED

A SCENIC BYWAY

Supervisor Eagan commented that there is an issue with sending Resolution 2002-24 to State Officials because he believes there is a format that should be followed first. He noted that this is a joint effort with other towns and so as to not to jeopardize the camaraderie we should include our resolution in a joint package.

Town Attorney Perley responded that there may be formal application in the future but it is not unusual for towns to state their interest early and follow with an application. Resolution 2002-24 is intended to alert our State Representatives that the Town of Boston is concerned about US Route 219.

Councilman Edington reported that Earth Day was successful, the committee worked hard and many tires were collected.

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COUNCILMAN REPORT(CONT.)

RESOLUTION 2002-25 MABEL CAROLINE LOUGEN ? 100TH BIRTHDAY

A motion was made by Councilman Edington and seconded by Supervisor Eagan to present Mabel Caroline Lougen with a plaque honoring her 100th birthday.

five (5) Ayes Carried

Councilman Edington noted that he will have the plaque made.

Town Attorney Perley commented that the Zoning Board of Appeals meets on May 2, 2002 and at the present time there are two individuals interested in being appointed Chairman. Town Attorney Perley advised the Board that ultimately it will be the responsibility of the Town Board to make a determination if the ZBA can't agree. It has been Town Board policy to defer to their consensus.

Received and filed Town Engineer monthly report for April 2002.

A motion was made by Councilman Mead and seconded by Councilman Edington to adjourn the meeting at 8:40 p.m.

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DAVID J. SHENK, TOWN CLERK