

Town Board Minutes May 17, 2000

REGULAR BOARD MEETING TOWN HALL

May 17, 2000 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 Michael F. Perley.

Rev. Gary Burdick, Faith United Church of Christ, opened the meeting with a prayer.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adopt the minutes of the May 3, 2000 monthly meeting with the following correction:

FROM: A motion was made by Councilman Simmeth and seconded by Councilman Tills, upon recommendation of NYS Police Sargent McGee, to appoint Alan C. Carpenter to the Town of Boston Traffic Safety and Highway Committee, term to expire December 31, 2000.

TO: A motion was made by Councilman Simmeth and seconded by Councilman Tills, upon recommendation of NYS Police Sargent McGee, to appoint David C. Carpenter to the Town of Boston Traffic Safety and Highway Committee, term to expire December 31, 2000.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #5A, dated May 17, 2000, in the amount of \$37,629.76 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #5A, dated May 17, 2000, in the amount of \$10,947.28 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff Report for April 2000.

Received and filed a NYS Office of Real Property Services Certificate of Attendance for the Board of Assessment Review Training for Clayton G. Schunk.

Received and filed notification from NYS Assemblyman Richard Smith of a \$5,000 Local Initiative Grant for the Town of Boston.

Supervisor Rood thanked Assemblyman Smith and noted that the money will be used to install restrooms in the Town Park. A grant of \$20,000 is expected from Senator Volker's office, which will be used for new facilities near the concession stand and for an additional storage area.

Received and filed notification from Senator Volker that the Town of Boston will receive \$40,870 in General Purpose Aid.

Received and filed a Notice of Claim from Kelly Mulhollan, 6583 Taylor Road, vs. the County of Erie, County of Erie Highway Department, Town of Boston and the Town of Boston Highway Department, which was referred to Town Attorney Perley and Municipal Insurance Consultants

REQUESTS FROM THE FLOOR

Sue Lanham, Town of Boston Baseball and Softball Concession Chairperson, read a letter to the Town Board requesting permission to connect an ice machine in the concession stand at REGULAR BOARD MEETING TOWN HALL

May 17, 2000 7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.)

Sue Lanham (cont.): the Town Park. Included with the letter was an electrical loading spreadsheet created by an electrician at McGard, Inc. which determines the percent of available electricity being utilized.

Supervisor Rood commented that Jerry Lindsey, Recreation Supervisor, obtained the electrical information from the appliances at the concession stand which was faxed to Mike Scherer, Scherer Electric Company. Mr. Shear has not as yet contacted the town.

Town Attorney Perley noted that the Town Engineer voiced concern that there may be too big a load on the electrical line, which may cause equipment burnout or be a safety hazard. Someone retained by the Town must verify electrical usage.

Sue Lanham commented that the baseball season opened May 15, 2000 and they would have liked to use the ice machine. Softball begins May 22, 2000 and ice will be needed frequently.

Highway Superintendent Kreitzbender commented that with the approval of the Town Board and the electrician, he will take care of the hook-up including the drain for water.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to allow the ice machine to be connected in the concession stand at the Town Park contingent upon the approval of a town-designated electrician that code requirements are met.

five (5) Ayes Carried

At 7:50 a Public Hearing was held to hear public comments regarding the application of Cellular One for a Special Permit for Co-Location on an existing Telecommunications Tower at 6405 Ward Road.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to open the Public Hearing.

five (5) Ayes Carried

Supervisor Rood read the legal notice and noted that notification was sent to twenty-seven (27) neighboring Boston property owners, sixteen (16) neighboring Orchard Park property owners, the Orchard Park Town Clerk and the applicant.

Timothy Connelly, Cellular One Representative: We are trying to desperately improve our coverage in the Boston area. With the Sprint tower being right there, there was no need for us try and build another tower. What we want to do is co-locate our antennas on the existing tower.

Town Attorney Perley: At what elevation?

Timothy Connelly: Two hundred and twenty (220) feet.

Town Attorney Perley: That is thirty (30) feet below the top of the tower?

Timothy Connelly: Correct.

REGULAR BOARD MEETING TOWN HALL

May 17, 2000 7:30 P.M.

Public Hearing (cont.):

Councilman Tills: What was your analysis?

Timothy Connelly: Bill Johnson, town consultant is in the process of doing an analysis.

Town Attorney Perley: The recommendation of the Planning Board regarding this application was approval subject to the applicant demonstrating need. The applicant demonstrates need in two (2) ways. The informal way is by committing the resources to put in the equipment to go along with the antenna. The formal way is through propagation studies. Those studies have been forwarded to Mr. Johnson and he expects to have a report for the Town Board by the first meeting in June.

Councilman Wiktor: The receptors that are going to go on this tower, will they be approximately the same size and shape as the existing ones already on there?

Timothy Connelly: They are basically the same size, a little longer. They are eight (8) foot panel antennas. They are about twelve (12) inches wide and twelve (12) inches deep. There are existing boons on the tower now and we are going to attach those antennas to the existing boons.

Councilman Simmeth: That is at two hundred and twenty (220) feet and the letter to the Town Board mentions one hundred and seventy (170) feet.

Timothy Connelly: That was the original thought and once we found out the existing boons were there, we decided to use those.

Town Attorney Perley: For the record you are amending your application to put it at two hundred and twenty (220) feet.

Councilman Wiktor: Do we need any reference that the existing tower can stabilize with this additional equipment on it?

Town Attorney Perley: It is designed to.

A motion was made by Supervisor Rood and seconded by Councilman Tills to close the Public Hearing at 7:54 p.m.

five (5) Ayes Carried

Supervisor Rood commented that a decision on this application will be tabled until receipt of Mr. Johnson's report.

Supervisor Rood reported that currently the Town of Boston is contracted with Municipal Insurance Consultants Inc. Brian Baty, a former consultant, has created his own company, H&V Risk Consultants, LLC. Mr. Baty, who is familiar with the Town of Boston, has presented a proposal for consulting services at \$9,600 for a two (2) year contact vs. \$6,000 per year for Municipal Insurance Consultants Inc. Municipal Insurance Consultants Inc. agreed to relinquish their obligation to the Town of Boston effective June 1, 2000.

Received and filed a letter from Municipal Insurance Consultants Inc. relinquishing their obligation to the Town of Boston effective June 1, 2000.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to authorize Supervisor Rood to enter into a contract with Brian Baty, H&V Risk Consultants, LLC, for \$9,600 for a two (2) year period.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

May 17, 2000 7:30 P.M.

A motion was made Supervisor Rood and seconded by Councilman Mead to grant Congressman Quinn permission to use the Boston Town Hall on June 30, 2000 from 1:00-4:00 p.m. for the OUTREACH Program.

five (5) Ayes Carried

A motion was made Councilman Wiktor and seconded by Councilman Mead, on the recommendation of Recreation Director Cleese, to appoint the following, term effective immediately and to expire on August 31, 2000:

Brittany Cudeck Sub Counselor/Lifeguard \$5.25/\$7.00 per hr.

Katie Pawlak Sub Counselor \$5.15 per hr.

Term retroactive to 1/1/2000 and to expire on 12/31/00:

Jerry Lindsey Baseball/Softball Rec Leader \$1,350 per yr.

five (5) Ayes Carried

A motion was made Councilman Simmeth and seconded by Councilman Tills to create an account for Capital Water District #3.

five (5) Ayes Carried

A motion was made Councilman Wiktor and seconded by Councilman Mead to schedule a bid opening for One 2000 Type III Ambulance for the Boston Emergency Squad on June 5, 2000 at 10:00 a.m.

five (5) Ayes Carried

On May 15, 2000 at 10:00 a.m. the following bid was opened and read aloud for a Multipurpose Dump Box, Plow, Wing for Two Five Ton Trucks:

NAME	NC	PRICE
------	----	-------

Valley Fab & EquipmentX		\$55,392.00
-------------------------	--	-------------

A motion was made by Councilman Tills and seconded by Councilman Simmeth, on the recommendation of Highway Superintendent Kreitzbender, to award the bid for a Multipurpose Dump Box, Plow, Wing for Two Five Town Trucks to Valley Fab & Equip. for \$55,392.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Supervisor Rood to accept the resignation of Christopher A. Bifaro from the Conservation Advisory Council, effective immediately.

five (5) Ayes Carried

Councilman Simmeth will write a letter to Christopher Bifaro thanking him for his service on the CAC.

RESOLUTION 2000?16 RICHARD AND DIANE HELMBRECHT

2000 CITIZENS OF THE YEAR

A motion was made by Councilman Wiktor and seconded by Councilman Tills to approve the following correction to Abstract #5, 5/3/00:

Voucher #272 Hamburg Sun A1010.4

From \$ 32.80 To \$ 37.80

Total General Fund From \$13,737.10 To \$13,742.10

Total Abstract From \$25,995.80 \$26,000.80

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

May 17, 2000 7:30 P.M.

A motion was made by Supervisor Rood and seconded by Councilman Mead, on the recommendation of Town Clerk Shenk, to award the Disaster Recovery Plan Contact to Caroline Gallego, CRM at a cost of \$4,000 and authorize the execution of the contact.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to appoint Eric Baumgartner and Dick Schmitz as new fire police officers for the Patchin Fire Company, term to expire upon resignation, replacement or removal.

five (5) Ayes Carried

RESOLUTION 2000-17 ERIE COUNTY SNOW REMOVAL CONTRACT

SUPERVISOR REPORT

A) Supervisor Monthly Financial Reports for April 2000 received and on file in the Town Clerk's Office.

Supervisor Rood reported that a 2000 Tree Grant was awarded to the Town of Boston. The Highway Dept. will plant the trees next week.

Supervisor Rood and Councilman Mead attended the Boston Valley School 40th Birthday party on May 15, 2000 and noted that 13,000 children have been educated at the school in the past forty years.

Supervisor Rood reported that she applied to the NYS DEC for a permit to purchase additional carp and minnows for the town pond. An additional "catch and release" sign is needed.

TOWN CLERK REPORT

Received and filed the Tax Collector Monthly Report for April.

Town Clerk Shenk reported that the Memorial Day services will be on Monday, May 29, 2000. The parade will begin at 2:15 p.m. at Faith United Church and proceed to the Boston Town Hall where there will be a program at 2:30 p.m. and a reception immediately following at the Boston AMVETS Post 219.

Town Clerk Shenk thanked the Town Board for allowing him to attend the PERMA Conference, May 10-12, 2000, at Lake George, NY. The Town of Boston received one of four awards for work on the safety committee.

HIGHWAY SUPERINTENDENT KREITZBENDER

Highway Superintendent Kreitzbender reported that work will begin

on Hickory and Woodland Drives in the second week of June for the CHIPS program. Drainage work has been completed on Hickory Dr.

Highway Superintendent Kreitzbender noted that the final brush pick-up for spring will be completed by the Memorial Day weekend and the next brush pick-up will begin in the fall.

Highway Superintendent Kreitzbender thanked the Baseball Association for working with the Highway Department on May 13, 2000 in the parks.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that he received a call from Bradford Forest Products today regarding hauling logs over town roads. In consultation with the Highway Superintendent and the Town Engineer a protocol has been established for them to proceed with one (1) load of logs either late this week or early next week. Town Attorney Perley commended the Highway Superintendent

REGULAR BOARD MEETING TOWN HALL

May 17, 2000 7:30 P.M.

TOWN ATTORNEY REPORT (CONT.)

Town Attorney Perley: for having the foresight to bring this to the attention of himself and the Town Engineer so they had time to work on an appropriate method for the logs to be taken out. In the event of damage to a town road, the town would be able to obtain funding from the logging company to make necessary repairs.

COUNCILMAN REPORT

Councilman Mead announced that Helen Estep was appointed as the Project Council Representative for the Boston Nutrition site.

Councilman Mead received a letter from the Erie County Department of Environment and Planning approving the Town of Boston choice of engineer for the Town Master Plan.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to grant Town Attorney Perley permission to enter into negotiations with the Planning Consultants to finalize the terms and conditions of the contract for the Town of Boston Master Plan.

five (5) Ayes Carried

Councilman Wiktor reported that his request to Erie County Legislator Dusza that a proposal for tax exemptions for firemen include an exemption for various independent emergency squad members throughout Erie County has been accepted into the legislature.

Councilman Wiktor congratulated the Boston Youth Association for the new fields and requested that a temporary fence be installed along the girl's first base bench to prevent the girls from wandering into the roadway.

Councilman Simmeth read letters from William Radigan and Walter Slomka requesting appointment to the Conservation Advisory Council.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to appoint William Radigan to the Conservation Advisory Council, term to expire 3/1/03.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to appoint Walter Slomka to the Conservation Advisory Council, term to expire 3/1/03.

five (5) Ayes Carried

Councilman Tills reported that the Christmas Lighting Committee met on May 16, 2000 to inspect the four (4) Christmas carolers decorations which will be placed in the front of the Town Hall for the Christmas season. The committee voted to purchase a lighted horse and sleigh display to be added to the decorations.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:19 p.m.

DAVID J. SHENK, TOWN CLERK