

Town Board Minutes May 4, 2005

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Karl J. Simmeth Jr., Dennis J. Mead, and Supervisor William A. Eagan.

Also Present: Highway Superintendent Telaak and Town Attorney Vacco.

Florence Wendling, St. John The Baptist Church opened the meeting with a prayer.

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to adopt the minutes of the April 20, 2005 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 fund bills dated April 28, 2005 in the amount of \$70,068.89 be paid.

five (5) Ayes Carried

Received and filed the annual report for WNY Storm Water Coalition.

REQUESTS FROM THE FLOOR

The following residents voiced their concerns regarding the revaluation process:

John Quinlan, 6700 Liebler Road
Burt Feltz, 9339 Dunn Road

Larry Mills, 5582 Ripple Drive Cynthia Moore Williams, 7004 Liebler Road

Edward Mye, 9235 Dunn Road Caren Wesp, 5589 Northside Drive

Clinton DeKay, 8271 Boston State Road Jennifer Hubert, 6532 Fairlane

Everett Cole, 7292 Woodland Drive Mary O'Halloran, 6560 Colonial Drive

Michael Jerome, (V/L) Liebler Road Rhonda Mills, 5582 Ripple Drive

Dave Marinello, 6610 Rice Road

The most frequently asked questions were:

1. Can't we sit down and review this process?
2. Is there any possibility of having Assessor Hornberger available for a public meeting to answer questions?
3. Why wasn't there any consideration for the internal characteristics of every home?
4. Does the Assessor or TSL, Co. have the final approval of our new assessments?
5. Why can't the Assessor do this appraisal?
6. Why doesn't the Town Board hold back on the reval for one year until this is resolved and everyone is happy?
7. Is there a final cut off when the public can no longer be heard?
8. Is it the Assessment Board of Review job to approve these assessments?
9. Can anyone attend the Assessment Board of Review meetings?
10. What would the repercussions be to the town if this reval weren't done?
11. Is TSL held to a deadline in order for residents to get the appropriate information in a timely manner before the Assessment Board of Review meets?

Supervisor Eagan stated that a mass appraisal is not the same as an individual home appraisal and could not be done solely by the Assessor. New York State sets the guidelines for a reval and reviews the work to make sure it is done properly. These hearings are set up so that any problems or discrepancies can be brought to TSL's attention. To the contrary, these people cannot go into your home. Residents should

educate TSL, Co. at their informal hearing on what is in their house. He stated that each resident should check their property cards and make sure they are up-to-date. Steps are being taken to give the public more accessibility. He stated that he would ask Assessor Hornberger if she would be able to set up a public meeting. Supervisor Eagan stated that this is a mass appraisal and the Assessor alone could not possibly do this.

Supervisor Eagan stated the Assessor's primary responsibility is to maintain the town's assessment rolls, which are used by the school board, the town, and the county to collect property tax. The 1st Tuesday of June is when the Assessment Board of Review meets. TSL will hold informal hearings until May 13. The Assessment Board of Review is the last step that a property owner has before the final roll is filed with Erie County on July 1. The Assessment Board of Review meetings are for those who have an appointment and are grieving their assessment. Residents that do not have an appointment are welcome to attend but can only observe the process. Supervisor Eagan also stated that the taxable assessment and recent sales data is used to determine the equalization rate. The notice that was sent out regarding the change in value is not predicated on last falls school tax rate, nor was it predicated on the last town/county rate.

New York State says we should conduct the reval now, or suffer later. Going to 100% evaluation is something that is happening throughout the state. It allows the community to know that when someone comes in and buys that house next door for \$50,000 over the assessed value, that more than likely, that assessment will be adjusted to the new purchase price and will be paying their fair share of taxes.

He stated if any seniors needed transportation to the Town Hall or assistance in filling out their forms he would gladly help in any way. He stated that TSL's decision, based on their reviews and the Assessor's, will be sent to property owners by approximately June 1st. TSL has no authority after that point.

Town Attorney Vacco stated that the Town Board can't stop the reval. The Town Board does not have the authority to advise the Assessor not to take the new values. The Town Board can call for a reval and approve of the expenditure for the mass appraisal company and they can choose at what percentage to use. The Town Assessor has the authority through New York State law to call for a reval and she/he is the only one that can address those property values. The next administrative remedy is to file a claim with the Board of Assessment Review and present your case. The Board of Assessment Review's job is to look at an individual's circumstances and take into consideration things that the Assessor couldn't or didn't.

Edward Mye, 9235 Dunn Road asked Highway Superintendent Telaak if Dunn Road was on the schedule to be repaired.

Highway Superintendent Telaak replied that yes it was and should be started within the next month.

A motion was made by Councilman Simmeth and seconded by Councilman Hopkins to approve the Use of Facilities application from Hamburg Central Pre-kindergarten for June 15, 2005

five (5) Ayes Carried

Supervisor Eagan urged all residents to call their county legislator requesting ?No More Taxes.?

A motion was made by Councilman Hopkins and seconded by Supervisor Eagan to issue a soil removal permit to Schreiber & Winkelman at 4240 Schreiber Drive.

five (5) Ayes Carried

Town Attorney Vacco stated that she spoke with the CVS representative and he has no problem with the changes made by the board.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to approve the parking lot directional signs with the following corrections to be made:

1. The Do Not Enter sign to be moved to the Southside of the building subject to field inspection.
2. An Enter/Exit Sign to be placed at the Zimmerman Road entrance.

3. Directional sign at the Rt. 391 entrance needs to be moved closer to the road

five (5) Ayes Carried

Received a recommendation from the Boston Planning Board recommending approval of the site plan for 7336 Boston State Road, The Hodgson Agency.

A motion was made by Councilman Hopkins and seconded by Councilman Simmeth on the recommendation of the Planning Board to approve the site plan for 7336 Boston State Road, The Hodgson Agency.

five (5) Ayes Carried

Received a letter from John and Susan Szalay requesting their rezoning application be suspended until further notice.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to accept the suspense letter from John and Susan Szalay regarding their re-zoning application.

five (5) Ayes Carried

The following bids were received, opened and read aloud on April 26, 2005 at 10:00 a.m. for the Hickory Meadows Subdivision Street Light Project:

Company	Price per Pole	Total for 12 Poles
Spoth Enterprises Inc.	\$1,168.00	\$14,016.00
Kirst Construction Inc.	\$1,625.00	\$19,500.00

South Buffalo Electric Inc. \$6,635.75 \$79,965.00

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to accept the bid from Spoth Enterprises Inc. in the amount of \$14,016.

five (5) Ayes Carried

DEPARTMENT ANNOUNCEMENTS/ACTIONS

Received and filed monthly reports from the Code Enforcement Officer?s.

Highway Superintendent Telaak stated that the first round of brush pick-up has been completed and will begin the second round shortly.

RESOLUTION 2005-10 CHAMBER OF COMMERCE CITIZEN OF THE YEAR DONALD GENZEL

RESOLUTION 2005-11 CHAMBER OF COMMERCE BUSINESS OF THE YEAR THREE GIRL?S CAFÉ

Councilman Hopkins acknowledged Boy Scout, Andrew White for cleaning up Veterans Memorial Park.

Councilman Simmeth read a letter from the Conservation Advisory Council recommending the appointments of Dr. Norman Hertz and Robert Smith upon receipt of their request for appointment.

Councilman Simmeth reminded those present that The Conservation Advisory Council will sponsor the first annual Fishing Derby on Saturday, May 7 at 10:00 a.m.

Councilman Hawkins asked if there was any new information regarding Boyd Mobile Home Park.

Town Attorney Vacco stated that Mr. Boyd would be cited under the Revocation section of the Mobile Home Court of the Boston Town Code. Notice will be sent out to Mr. Boyd and the attorney of record. He will be put on notice and will have 15 days to remedy the new violations. If he does not comply he will have a hearing before the Town Board where witnesses can be heard and at that time the Town Board can officially revoke his license and set a reasonable time at which the property should be vacated.

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan to approve the change in meeting time to 7:00 p.m. for the Conservation Advisory Council effective May 19, 2005.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 9:25p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK