

Town Board Minutes May 5, 2004

Present were Councilman Brien M. Hopkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Councilman Richard K. Hawkins, Supervisor William A. Eagan, Town Attorney Kelly A. Vacco and Highway Superintendent Richard A. Poore.

Reverend James Laun, Churchill Memorial United Methodist Church opened the meeting with a prayer.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to adopt the minutes of the April 21, 2004 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 fund bills on the Abstract dated April 28, 2004 in the amount of \$49,560.32 be paid.

five (5) Ayes Carried

Received and filed letter from Assemblyman Richard A. Smith regarding Resolution 2004-11.

REQUESTS FROM FLOOR

Theresa Gresco, 5545 Ripple Drive: I?m here tonight concerning this letter that was sent to me from Supervisor Eagan. All these plans have been made without even discussing it with us. I have not heard one word about this until now.

Supervisor Eagan: No, that is not true. Councilman Simmeth and the previous Highway Superintendent visited that subdivision. There are several properties in there with water damages. We have had engineers look into ways of resolving it. I believe that there was a petition that the residents took around.

Mrs. Gresco: How many people signed this petition?

Supervisor Eagan: I don't know.

Mrs. Gresco: Well, you should. Have you seen it? I haven't.

Supervisor Eagan: We have a project in there that demands attention. There are serious drainage issues that affect the whole area.

Mrs. Gresco: Why is that my problem? I live at the other end where there isn't any drainage problem.

Supervisor Eagan: We are going by what the engineer's report says.

Mrs. Gresco: How can the engineer's say I have a drainage problem when I've lived in this house for 48 years and have never had a drainage problem.

Supervisor Eagan: It may not specifically be your property, but if the drainage is in your area, it also affects your property in a positive or negative way.

Mrs. Gresco: Who gives the Board the right to say we are going to do this and you are going to pay for it whether you like it or not?

Supervisor Eagan: The letter is informing you of the activities going on. The engineers reported the results and what they anticipate the cost would be if we had to put this out to bid. The letter wasn't specifically saying it was going to be this way or that way.

Supervisor Eagan Cont'd: It is informing the public of what is going on there. Other people have brought this to our attention. We are just letting people know and will keep the public informed of the progress. This Board has only responded to the people that have come here on this issue.

Mrs. Gresco: I worked for the developer, Tom and Bob Klaus. Does this Board know that there is so much water underground in the area of Elmtree that the Klaus' had plans to put their own water district in there. There was enough water there to supply every house in that area.

Supervisor Eagan: We don't know that. We don't have the drainage plans. That is why we had to have them redone.

Mrs. Gresco: What happened to them?

Supervisor Eagan: I don't know I wasn't here 30 years ago.

Mrs. Gresco: I was. There was a pond back by the ball diamond that was spring fed. The town drained it. Where is this water that was feeding into the pond all these years going to. Is it draining into our area now and I'm responsible for all this water.

Supervisor Eagan: The idea of the project is to try and address the issues that are causing havoc to many of the homeowners there. I would rather be open and honest with you as to the possibilities of what is in front of us, than say to you tomorrow we are digging the drainage ditches and you are going to pay for it. The letter gives a couple of options. We are addressing a problem and we are trying to do it in the most cost effective way.

Mrs. Gresco: Mr. Eagan, at the present time, you have a Highway Department in complete turmoil and in disgrace and you are going to tell me they are going to do work they haven't been able to do all these years.

Supervisor Eagan: The issues that took place in the Highway Department dealt with two individuals. It has no bearing on the work performance of our Highway Department men and women. They have done a great job.

Mrs. Gresco: It's not being flooded. I have to pay for something that I don't need. I was wondering how many people are having this trouble.

Councilman Simmeth: I believe that the previous Town Attorney wrote a petition for Gail Hanley to pass around. There are about three problems in that sub-division, but none are near you.

Councilman Simmeth: What Supervisor Eagan was saying is if there is a possibility that a drainage district would be formed, it would only be put where the problems are. It may not affect you at all. Supervisor Eagan sent that letter to all the residence in the Creekside area.

Mrs. Gresco: If the homeowners have to pay for the maintenance of this drainage system, is the town going to stop working on the rest of the drainage systems, or are we going to be the only ones that have to pay for it?

Supervisor Eagan: No, the Federal Law has passed regulations that give five years to come into compliance with a plan that needs to be put into place, or they will hold us in contempt. We are attempting to come into compliance with that. We have a four-year window left to address all the drainage issues and identify all the tributaries and ditches in this town so that we don't fix something that would cause additional erosion in another area. This has been a problem in many places. For 18-mile creek, the Town of Boston has the most priority sites of erosion out of all the communities involved.

Supervisor Eagan Cont'd: If all the ditches and tributaries continue to dump in there and we are not protecting the area it's going to cause more erosion. Whoever carried that petition should have taken it to everyone in that subdivision. The intention was to let the board know who was interested.

Councilman Simmeth: I found the original letter from Mr. Pearly if you would like to see it. It states to be sure to inform anyone signing this petition that it is not a formal petition to form a district.

Mrs. Gresco: It is my understanding that if you establish a new drainage district, there is a maintenance fee yearly.

Supervisor Eagan: That is not our goal. To say that we are establishing a drainage district is not true. This is stated as an option. We would like to have our highway department do as much or all of that work as possible so that we don't have to establish a drainage district.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to hold a public informational hearing June 9th at 7:00 p.m. to hear comments on drainage concerns of the Creekside Subdivision.

five (5) Ayes Carried

Caren Wesp, 5589 Northside Drive: When is the road and shoulder work going to be completed in the Creekside Development. The shoulders are a mess.

Councilman Simmeth: Previous Highway Superintendent Kreitzbender was waiting for funds to come in from the County or State Sewer Department.

Councilman Simmeth asked Highway Superintendent Poore to check into the shoulder conditions in the Creekside Development.

Caren Wesp: I talked to him last fall, and he promised me it would be done over the winter.

Supervisor Eagan: I think he was negotiating with the County at that time for contributions to that project since they caused most of the problems in that area.

Highway Superintendent Poore: I have been down in that area. I have been going over the whole town taking notes and trying to evaluate all the problems within the town. I know what has to be done.

Caren Wesp: They said that we were supposed to sign off on everything when it was finished. No one has even been around.

Supervisor Eagan: It wasn't completed to a lot of people's satisfaction. There are still complaints of sinking lawns and mailboxes in the wrong place. That should have been taken care of by the county.

At 7:54 p.m. a Public Hearing was held to consider the application from Marcia Baeumler for a special use permit to facilitate the construction of an additional parking lot for commercial tow trucks to be parked when not in use at 5785 Herman Hill Road.

Supervisor Eagan read the legal notice.

Supervisor Eagan stated that 31 neighbors plus the applicant were notified concerning this hearing.

Town Clerk Shenk noted that letters were received from the following neighbors sharing their concerns for this project: Niagara Mohawk, Kim Pauly, E-5805 Herman Hill Road, Judith Heppner, 7166 S. Abbott Road, Mr. & Mrs. Koller, 7156 S. Abbott Road and Mary Lou Woodhouse, 5776 Herman Hill Road

Supervisor Eagan read a letter from the Planning Board denying the request for a special use permit from Marcia Baeumler for the following reasons: A mixed use would be created by the additional use

and the request does not meet the grounds for a special use permit as stated in Town Code Section 123-173.

Supervisor Eagan asked if there were any comments from the floor.

Rick Bethge, 5785 Herman Hill Road: In regards to your letter from Niagara Mohawk, we received a letter from Mr. Cole stating his opinion on the special use permit. His concern is that he would like to see a guardrail around the power wire and an additional egress in case they had to do work. We do have access on the side of the garage to widen the driveway. I spoke with one neighbor regarding the back up alarm, which we have to have on for NYSDOT. I advised my workers when they come back at 2:00 a.m. to pull in, not back in. We want to put an eight foot buffer fence up. I believe you all have a copy of that drawing there.

Supervisor Eagan: That is going to be along side your neighbor's property?

Mr. Bethge: No, it would run parallel across the back of the property.

Councilman Hopkins: Are you going to look into access to your property now?

Mr. Bethge: We are still in discussion. Their concern right now is they have a big construction project going on, so he has not been able to step onto the property. He has driven by and we have had numerous phone contacts. We do have access on the side of the garage between Niagara Mohawk and our existing driveway. We can widen the driveway and take it back to the parking area.

Councilman Mead: I thought that you had worked out some type of agreement with Advanced Collision Services.

Mr. Bethge: Correct. His place is for sale right now. He was concerned about the junk cars. Niagara Mohawk thought they belonged to us, but they belong to him. He has to take care of all those junk vehicles, so he's not happy at the present time. This is not a permanent thing. We have a couple more options for AAA to increase if we want to, but with the rising costs of fuel, workman's compensation

and everything else, it just gives us the ability to continue the business. We have 16 employees. It's not a mom and pop business. The trucks are top line. We have an impound lot at 3231 Route 5, which is for the Town of Hamburg and the State Police. It does not have utilities, so I can't put a time clock there. We run three shifts.

Councilman Mead: What about the issue of working on trucks?

Mr. Bethge: We've always stopped working on the trucks by 9:00 p.m. In fact, if you drive by now, I'm renovating a trailer.

Councilman Mead: Would you be working on the trucks and trailers on the property?

Mr. Bethge: Normally, it's just an oil change or fixing a tire. I'm not pulling motors or fixing transmissions. That is done at Ron's Garage. I think just about everyone here has changed the oil in his or her driveway.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to close the public meeting at 8:00 p.m.

five (5) Ayes Carried

REQUESTS FROM THE FLOOR CONT'D

Joe Wells, 9098 Boston State Road: I received a letter from the Hillfest Committee and one of the members told me that there is a problem with fire protection for their fireworks display. I've talked to the chief of Boston Fire Company and they are willing to come in and provide the fire protection for the fireworks, and according to their contract with the town, they are more than welcomed to do that. The wording in their contract says that Boston Fire Company will provide fire protection for the Town of Boston. Therefore, any one of the three fire companies can go anyplace in the town and provide fire protection.

Supervisor Eagan: Which fire chief told you that?

Joe Wells: Dennis Emerling.

Peter Walter, President, Patchin Fire Co.: I also received a letter, but the sender usually signs their letter. This isn't a letter; it's something that has been typed up to aggravate people. We as a fire company are replying to these statements that have been made. There is not a fire company in the Town of Boston that receives \$197,000 a year. We have been dealing with them off and on for a long time, and we don't know who they are. In 2002 the Hillfest Committee advertised for new members. Members of the Patchin Fire Co. responded and upon arrival the members were requested to leave the meeting. The Hillfest Committee decides to disband. They distributed all the money among local groups and shortly after, the Hillfest Chairman, Steve Tills, contacted Chief Jim Pluta and asked if the Patchin Fire Co. could take over and run a town event. The Boston Community Days was established and consisted of Patchin Firemen, former Hillfest Committee members, and people from our community. Patchin Fire Co. was the Hillfest's strongest supporter. We contributed over \$6,000 and over 1,280 man-hours supporting them. In November 2003, they requested a permit from the Town Board. Because of the standard operational procedure at that time, the Board denied their request. The Community Days committee asked the Town Board to reconsider their request because we needed the time to set up the vendors. The Board agreed with us. Then they opened up the calendar to all the organizations. In December 2003, Hillfest sent a letter to Patchin Fire Co. requesting traffic control and fire suppression. Fire suppression in this text is interpreted to mean stand-by at their event. Under our contract with the town, we are not obligated to stand-by at any event. We will always respond to any emergency situation in our district. The Town Board informed the Hillfest Committee that another fire company could not be brought into Patchin's district without Patchin's approval. The Town Board also advised Hillfest to contact Patchin Fire Co. and negotiate an agreement. To this date, no one from the Hillfest committee has contacted Patchin to ask for any assistance, but went ahead and contacted another fire company and asked to assist Patchin. When the other company found out and was made aware of the truth, they withdrew their offer to the Hillfest. The state law prohibits any fire company and/or any fireman from responding to calls without permission or regulated aid. Any fireman or fire company that did this would not be covered by insurance, which would leave the Town of Boston open to a lawsuit. We were assigned districts so that fire companies did not cross into the other districts. On March 3, Hillfest and Community Days were requested by the Town Board to provide a certificate of insurance, a plan for traffic control, proof of fire suppression for fireworks and approval from the Parks Department and the softball and baseball leagues by April 1, 2004. Community Days complied with these requests. The original request to the Town Board by Hillfest for July 14-18 appears to involve more than a few hours work than this letter states. That is five days that the Patchin Fire Company would be tied up. The Patchin Firemen contribute about 400 hours a year out of their own time. This does not include the EMS. How much can you ask of a volunteer?

Peter Walter Cont?d: Rather than criticize us and say that we are collecting all this money, which is untrue, why don?t they join the fire company and walk in our shoes for a mile. Numerous Patchin Fire Company members will sign the letter that is being given to the public.

James Pluta, Patchin Fire Co. Chief: As I understand, the opinion of the State Attorney General has been stated numerous times. A fireman would not be covered in another district without the permission of the Chief or the person in charge of that district. The Town contract also states that each fire company is responsible for fire protection within its boundaries as set forth on the map in the Town Clerk?s office. The Hillfest is misleading the community with half-truths. The Patchin Fire Co. has been victimized since the Hillfest inception. The Hillfest would call the Patchin Fire Co. to a meeting every year and complain that we do not do enough for them. They say we do not give them enough money and they need more help. I can remember taking vacation days cleaning up for them until 2:00 a.m. to help them out. The Hillfest was constantly making a mockery of us. The Patchin Fire Co. stands ready to provide emergency services to the town residence as stated in our contract. We go out of our way to help every community group. However, this contract does not give anyone the right to abuse us. I am appalled at the actions taken by the Hillfest Committee. They gave away their money because they didn?t want to run it . This group of people is the old Hillfest back to their usual tricks abusing the Patchin Fire Company and now misleading the good residence of the Town of Boston.

Frank Yandura, Patchin Fire Co., Assistant Chief: I would like to address traffic control and public safety. I would like to commend the Town Board for continuing to stipulate that this is part of the rules and regulations for events like this. Public safety and traffic control are very important when it comes to large events like this. What the Hillfest Committee does not seem to understand is that it takes a lot of time, coordinating and planning to put an event like this together. The plans have utilized all three fire companies, Boston Emergency Squad, State Police, Erie County Sheriff?s Dept. and the County and State Highway Dept. We get a lot of equipment and barricades that we need in order to close down the roads and put on a large-scale parade. For four years, we put in over 1,300 hours of planning, not to mention drills, training and meetings to coordinate with all of these entities. Just prior to this event, we had a dry run with law enforcement, fire companies and the Boston Emergency Squad in order to make sure that this thing was set up properly. We did this last year for the Boston Community Days. During those five years with the Patchin Fire Company being in charge and coordinating this effort, there has never once been an injury. the Hillfest Committee does not understand this. I wish they would come and talk to us. In previous years, they did. The Hillfest Committee came to us and told us what their plans were.

Gordon Cruse, 6818 Pin Oak Drive: Executive Officer of the Scout Troop 8333: I just wanted to tell you that we were never contacted by the Hillfest Committee.

Tracy Hirsch, 8171 Cole Road: I take a few exceptions to comments made this evening relative to the Highway Department from April 30th onward. What transpired in the past as far as Highway Superintendent Poore and I are concerned are in the past. Every employee working in the Highway Department has given nothing less than 110 percent to the residents of this town. Highway Superintendent Poore is doing an excellent job.

Supervisor Eagan voiced his concern regarding the non-professionalism of the Hillfest Committee in regards to the flyer that was circulated. I respect and support any volunteer group in this community. Every fire department receives an equal share of money in the contracts we have with them. The first notice we received from Hillfest was on or about November 20th, with only a post office address to respond to.

Who is the Hillfest Committee? To this date, we only know of maybe two members. They asked us for the shelter, we responded to them asking them to please come to our December 17th meeting so we could find out what they plan on doing.

Supervisor Eagan Cont'd: Two representatives explained their event. It was going to be an old-fashioned type of firemen or town picnic with baseball games. No beer, just wine and cheese. They weren't even sure they were going to have a parade. At that time, we informed them that they needed to meet certain conditions. After this meeting, we didn't hear from them. On March 5, we sent them a letter telling them we approved those dates contingent upon them meeting the stated conditions. We never heard from them again, until the article appeared in the newspaper. No one gets special treatment contrary to what anybody believes. I find it appalling that they attacked innocent people because they can't face the fact that they are the ones that had failed the community. This whole thing should have never come to be. What was unreasonable about that request? It speaks a lot to the fact that they couldn't even put their name.

Councilman Simmeth: Mr. Hirsh; do you know what the amount is that Patchin Fire Company received from the town?

Tracy Hirsch: It's about \$119,000.

Councilman Simmeth: I know that you each spoke under requests from the floor, and you stated your thoughts and opinions, but were you requesting anything from the Town Board at this time, or were you just stating your opinion?

Jim Pluta: I'm requesting from the Town Board is to consider all the facts when you are approving these applications and consider and what is best for the community.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve the application for soil removal from Donald P. Mitscher, 7934 Back Creek Road.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to accept the letter of resignation from Superintendent of Parks Wayne Kreitzbender effective March 26, 2004.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to approve the membership of Adair Deinzer to the Boston Emergency Squad.

five (5) Ayes Carried

Received and filed letter from William Riley regarding the purchase of town owned property on Liebler Road.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to Schedule the bid opening for Yellow Bus Transportation May 25, 2004 at 10:00 a.m. in the Town Clerk's Office.

five (5) Ayes Carried

Supervisor Eagan read a letter of recommendation from the Planning Board regarding Site Plan for CVS Pharmacy, 7182 Boston State Road with the following stipulations:

All drainage issues are met per the Town Engineer and all right-Of-way issue are addressed.

Supervisor Eagan: Councilman Hopkins, does this right-of-way issue have to do with the drainage that runs through there?

Councilman Hopkins: Yes.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve the site plan for CVS contingent upon all drainage issues are met per the Town Engineer and all right-of- way issues with the state are addressed.

five (5) Ayes Carried

Received an application for use of facilities from the Hillfest Committee.

Councilman Mead: I would like to comment now on the actual Hillfest application. I read the same thing in the paper and this is actually a duplicate of the same application that was sent to the board. I, along with the other Board Members, was offended by the accusations in the paper regarding the Board dragging their feet. I feel as though the board is fair to all applicants that want to use the facilities for any of their events. Along with an application, there are certain things that have to be adhered to. A letter was sent to the Post Office Box of the Boston Hillfest regarding the items needed for this to be approved. It is my understanding that as of May 1st those items were not brought to the Board for approval, so the dates were still open and the application was not approved. We have now received another application for the dates of July 14-19, 2004. Again, the same issues and requests have not been addressed.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to approve the application from the Hillfest Committee to use the Town facilities from July 14-19, 2004 contingent upon all requested information be submitted to the Town Clerk's office by May 19, 2004.

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor Eagan stated that he received a letter from Al Kumet, 7465 Boston State Road notifying the Board that he has a signed petition from approximately 20 residents requesting a sewer extension from 7432-7584 Boston State Road. Mr. Kumet also submitted that letter to the Erie County Sewer District #3 and Damian Wiktor, who is the Boston Sewer Representative on the Management Board.

Supervisor Eagan: In 2002 a \$90,000 grant was received from the county plus a donation from Assemblyman Smith to proceed with a study involving the bank stabilization of the Iris Gulf Stream. We applied again in 2004, but unfortunately, we were turned down. In one year we lost five feet of a 15-foot shoulder on Wildwood Drive.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to instruct Highway Superintendent Poore to treat the area on the Northside of Wildwood Drive as an emergency area and have all the necessary precautions taken to protect the public.

five (5) Ayes Carried

Supervisor Eagan: I have a report from Foit-Albert concerning this problem and they recommended that the construction of the bank stabilization for Irish Gulf as outlined in their July 2003 report be considered a top priority of the capital improvements.

Supervisor Eagan noted that the Morton building will be delivered on May 14th and it will take a week to ten days to construct, and thanked the Highway workers for quickly addressing the site work on that project.

Supervisor Eagan noted that he attended Earth Day on Saturday, May 1st at Boston Valley School. There were a lot of children there because of the combined dedication of the new playground. Legislator Chase has promised another \$5,000 for next year to help purchase additional equipment.

Supervisor Eagan Cont?d: There were two benches dedicated in the memory of Mr. Potter and Jody Metzger for their long dedication and commitment to the community. A proclamation was presented donating the newly constructed playground to the Hamburg School District with the understanding that all members of the community use it.

TOWN CLERK REPORT

Town Clerk Shenk noted that the Memorial Day Committee met and reported that the parade will begin at 2:15 p.m. at Faith United Church and will proceed to the Town Park. The program will begin at 2:30 p.m. with a reception immediately following at Boston AMVETS Post 219. Town Clerk Shenk is composing a list of men and women who have served in Iraq or Afghanistan since the conflicts began. Please forward the names of past or present Boston residents to the Town Clerk?s Office. Their names will be mentioned during the Memorial Day Service.

HIGHWAY SUPERINTENDENT POORE

Highway Superintendent Poore noted that he has already placed reflective posts and barrier tape in the area of Wildwood Drive to warn pedestrians and drivers of the dangerous situation. I do have a few ideas for a solution to this problem.

Councilman Hawkins asked if something more could be put in that area to keep the children out.

Highway Superintendent Poore said he would look to see if there is something more permanent that could be put up. Because this is an emergency, funds shouldn?t be a question. This is a matter of safety and something the town should be looking into very strongly.

Highway Superintendent Poore stated that three of the baseball diamonds have been rough graded and in about 10-15 days the fields will be ready for the season.

Highway Superintendent Poore thanked the entire Highway Department and Deputy Highway Superintendent Hirsch for all their hard work and cooperation during his first couple weeks in office.

Highway Superintendent Poore stated that he has been out evaluating the town's roads and will have a report by the end of the month as to what has to be done on all of the Town roads.

Highway Superintendent Poore thanked everyone for his or her support.

COUNCILMAN REPORTS

Councilman Mead thanked the Highway Superintendent for his work on the Parks.

Councilman Mead questioned Town Clerk Shenk as to why there was more information given in the newspaper than in the minutes of the previous meeting regarding certain comments made by other councilmen.

Town Clerk Shenk responded that he is only required to put in motions; comments made by councilman do not have to be recorded. His office policy is to summarize taking out repetitions. The point made is never amended, just said in fewer words.

Councilman Mead: At the last meeting there were some questions brought up regarding our Code Enforcement personnel and their certification. I had an understanding that Code Enforcement Officer Kramer is certified to enforce NYS Building and Fire Codes. Deputy Code Enforcement Officer Lisowski enforces town code.

Councilman Mead asked Town Attorney Vacco to comment on this.

Town Attorney Vacco: Title 19 of the NY Rules and Regulations Sections 434 & 435, Code Enforcement Certification, applies to the enforcement of the New York State Building and Fire Codes. Certification requirements are 124 hours initially and must be obtained within a 1-year period. If not completed within 2-years any accrued training that was completed will be lost. If a town code is being enforced, that rule does not apply. It is the Town's decision as to whether they would like their Code Enforcement Officer and Deputy Code Enforcement Officer to have and share similar job duties. If so, they would both have to be certified.

Councilman Hawkins: Wouldn't it be better for the Town if Code Enforcement Officer Kramer and Deputy Code Enforcement Officer Lisowski were both certified?

Town Attorney Vacco: If the town deems that he is enforcing the New York State building code, than he would have to be certified.

Supervisor Eagan: With the seriousness of the charge made by that individual at the last meeting I would hope that you would assist me in obtaining the summons? that were issued by Deputy Code Enforcement Officer Lisowski since January 2002 to ascertain whether he cited anyone for any New York State building codes or fire codes violations. The Board would need to know this before we make a decision about training and certification.

Councilman Hopkins: Do the Code Enforcement Officer and Deputy Code Enforcement Officer work the same hours in a week?

Town Clerk Shenk: Yes, they are usually both here on Tuesday and Thursday, 3:30 p.m. to 6:00 p.m.

Councilman Hopkins: Is there a large pay difference between the two?

Town Clerk Shenk: I believe that Deputy Code Enforcement Officer Lisowski receives approximately \$6,000 and Code Enforcement Officer Kramer receives approximately \$12,000.

Councilman Hopkins: If he were to become certified, would we have to pay him more?

Supervisor Eagan: No.

Town Clerk Shenk: It's a salaried position.

Councilman Hawkins: My only concern is because of the allegations we should justify this and clarify whether Deputy Code Enforcement Officer Lisowski needs to be certified.

Councilman Hopkins: The point I was trying to make is if Deputy Code Enforcement Officer Lisowski was certified the same as Code Enforcement Officer Kramer and working the same hours, do we then need to have to pay him the same? What does Code Enforcement Officer Kramer do?

Supervisor Eagan: Code Enforcement Officer Kramer performs duties beyond the inspection and the summons? issuances that Deputy Code Enforcement Officer Lisowski handles.

Councilman Mead: Is Code Enforcement Officer Kramer certified?

Supervisor Eagan: Yes he is. He recently was authorized to attend an additional training class. You have to understand that Code Enforcement Officer Kramer carries a different load than what Deputy Code Enforcement Officer Lisowski does in terms of dealing with individuals that come in for permits. He's personally inspecting the homes throughout the construction stage. Deputy Code Enforcement Officer Lisowski primarily answers complaints on potential code violations.

Councilman Hopkins: If we have Code Enforcement Officer Kramer doing all the inspections, than what is the issue with Deputy Code Enforcement Officer Lisowski doing all the legwork?

Councilman Mead: Deputy Code Enforcement Officer Lisowski enforces the town code and does not need certification.

Supervisor Eagan: According to Town Attorney Vacco as long as he is not enforcing any state building codes or fire codes, he does not need to be certified. Once we receive the documents from the court, I'm sure it will show whether or not he has cited anyone for state building or fire codes. If he has, than I would move that he resigns or he attend classes for certification. The Board should make that request.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to amend the motion from the April 21, 2004 meeting authorizing Deputy Town Clerk Ellis to attend the PERMA conference in Bolton Landing, New York. Councilman Mead will attend the PERMA Conference from May 19-21 in place of Deputy Town Clerk Ellis. Councilman Mead will already be in the area at that time. This will save the town traveling expenses.

five (5) Ayes Carried

Councilman Hopkins commented on the April 21st meeting regarding the issue of Highway Superintendent Poore's appointment being political. After reviewing all the applicants for this position, he feels that Richard Poore was the most qualified person for the position and made his decision solely on that fact. Councilman Hopkins stated that he would not listen to here-say. As a Councilman he hopes to make a difference and make things fair for everyone in the community.

Councilman Simmeth attended a meeting on April 30th sponsored by Senator Volker concerning technology in local government and would pass on all the related material to the Towns technology specialist, Councilman Mead.

Councilman Simmeth has been in contact with Brian Rose, Omphalius Road Project Manager, concerning complaints from residents. Mr. Rose has assured Councilman Simmeth that all complaints have been addressed. Councilman Simmeth reminded the public that if anyone does have a problem or complaint about road work on Boston State or Omphalius Roads to contact the Town Clerk's Office.

Councilman Simmeth attended Earth Day and thanked the Conservation Advisory Council for hosting a great event for the residence of this town.

Councilman Simmeth has been in contact with Highway Superintendent Poore regarding drainage and highway issues.

Councilman Simmeth would like to thank the members of St. Martin's Lutheran Church

for inviting his wife and himself to the 150th anniversary dinner celebration.

Councilman Hawkins attended Earth Day with several Town and County Officials and commented on the outstanding job all the volunteers did on the new playground.

Councilman Hawkins commented that he also wants to do what is best for the Town of Boston. He feels that certain positions in the town were filled with candidates that were not qualified for those positions, but he now believes they are doing a fine job and will work with everyone if he agrees to their appointment or not.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 9:28 p.m.

Councilman Mead	Voting Aye
Councilman Hopkins	Voting Nay
Councilman Simmeth	Voting Aye
Councilman Hawkins	Voting Aye
Supervisor Eagan	Voting Aye

four (4) Ayes one (1) Nay Carried

DAVID J. SHENK, TOWN CLERK