

Town Board Minutes November 1, 2000

REGULAR BOARD MEETING TOWN HALL

NOVEMBER 01, 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. John VanHaneghan, Good Shepherd Lutheran Church, opened the meeting with a prayer.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adopt the minutes of the October 18, 2000 regular monthly meeting with the following correction:

Page 7 iV From: Edward Bellittiere, 8406 Zimmerman Road

To: Angelo Bellittiere, 8406 Zimmerman Road

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #11, dated November 1, 2000 in the amount of \$51,441.93 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills, upon review by the Town Board, that the Highway Bills on Abstract #11, dated November 1, 2000 in the amount of \$8,871.26 be paid.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Town Clerk's Report for October 2000.

five (5) Ayes Carried

Received and filed notification from the NYS Board of Real Property Services of the Final State Equalization Rate of 72.62 for the 2000 Assessment Roll for the Town of Boston.

Received and filed a letter from the Boston Patriots Little League Football and Cheerleading Board of Directors commending the Highway Superintendent and his staff on caring for the parks and grounds and objecting to moving these responsibilities to another department causing a loss of service to the Boston Patriots and residents of the community.

Supervisor Rood commented that a Public Hearing was conducted at the October 18, 2000 Town Board Meeting on the Boston Hill LLC application to rezone the intersection of Rice and West Tillen Roads.

Received and filed a letter dated October 24, 2000, from Gary Eckis, Manager of Boston Hill LLC, naming the Boston Hill LLC partners.

Received and filed a letter dated October 25, 2000, from Gary Eckis, Manager of Boston Hill LLC, withdrawing the pending application for the Rice Road exit site.

Received and filed letters from Mark Flowers, 4642 Zenner Road, and Kenneth Bihl, 8712 Zimmerman Road in opposition to the Rice Road Rezoning.

Supervisor Rood: Had the Rice Road Rezoning request come to a vote, I would like to make my position known, I personally would not have voted for it. I think we need to be more specific in the purpose that would be allotted for that property. There is no infrastructure in that area as far as utilities go. The hills are REGULAR BOARD MEETING TOWN HALL

NOVEMBER 01, 2000 7:30 P.M.

Supervisor Rood (Cont.): fragile and what you do on the top is going to directly affect someone at the bottom and that needs to be taken into consideration. That area up there maybe viable for a commercial venture at some point in time, but as far as I am concerned I would like to leave it R-A. That was what the property was zoned when the man bought it and I think if he tried he could find people to build there. People have built all along the expressway from here to Buffalo.

Councilman Mead: My sentiments are the same as Supervisor Rood. I also would have liked a chance to vote it down. I think first and foremost I would like to see residential there and if not then something specific requested that would be in favor with the area residents.

Councilman Wiktor: I would have liked to thank all the residents who gave up their time to attend the meeting last month to inform us of their views and thoughts and also the students from the Hamburg government class who had a very opportune moment to see government in action. I too would have voted against it. I thought that Mr. Eckis was giving us too much of a carte blanche proposal. I think the most important thing is that we take into consideration the views of the neighbors because they purchased their property for the beauty of Boston. As a Boston Chamber of Commerce slogan states, "Boston is a town for all seasons." I think we should keep and maintain that.

Councilman Tills: I would echo the sentiments of my fellow Board Members. I would have liked the opportunity to have voted it down not only because of the obvious public sentiment against it but because I don't think it good precedent for us to entertain a zoning amendment without a specific plan.

Councilman Simmeth: Anyone with a reasonable mind would have voted down that proposal as presented.

A motion was made by Councilman Wiktor and seconded by Councilman Mead, on the recommendation of Recreation Director Clesse, to appoint the following to the Friday Night Recreation Program, term effective immediately through May 31, 2001:

NAME TITLE HOURLY WAGE

Andrew P. Smith Supervisor \$7.50

Maria Greene Attendant \$6.25

Dan Kobiolka Attendant \$6.25

Drew McNichol Attendant \$6.25

Kristen Partridge Attendant \$6.25

Rebecca Rueger Attendant \$6.25

Brittany Cudeck Sub Attendant \$6.25

Madeline Galac Sub Attendant \$6.25

Amy Gastle Sub Attendant \$6.25

Nicole Hornberger Sub Attendant \$6.25

Sarah Myers Sub Attendant \$6.25

five (5) Ayes Carried

Supervisor Rood noted that a Public Hearing was held on October 18, 2000 for a Special Use Permit request for a Temporary Trailer at 7254 Boston State Road. There were no public comments. Supervisor Rood stated that the trailer was placed there without permission. The owners said it would be removed by the end of October and to her knowledge it is still there.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to deny the Special Use Permit Request for a Temporary Trailer at 7254 Boston State Road.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

NOVEMBER 01, 2000 7:30 P.M.

RESOLUTION 2000-39 COMMUNITY DEVELOPMENT BLOCK GRANT

REQUESTS FOR 2001-2002

RESOLUTION 2000-40 BOSTON HISTORICAL SOCIETY

At 7:45 p.m. a Public Hearing was held
to hear public comments regarding the
Town of Boston 2001 Preliminary
Budget as compiled or any items
contained therein.

Supervisor Rood read the Legal Notice.

A motion was made by Supervisor Rood and
seconded by Councilman Tills to convene
the Public Hearing.

five (5) Ayes Carried

Robert Vaughan, 7418 Heinrich Road:

How much is the budget raised?

Supervisor Rood: Which budget?

Robert Vaughan: I have a paper here from
October 22nd.

Supervisor Rood: And I would point out
the fine print at the bottom of that chart
and what numbers they use to determine
those percentage rates that were printed.

Robert Vaughan: Well what are they?

Supervisor Rood: I don't have the paper
in front of me Mr. Vaughan.

Robert Vaughan: Would you like to read it?

Supervisor Rood: I am sure you can read it as well as I.

Robert Vaughan: 8 percent. Why is it going up 8 percent?

Supervisor Rood: The Highway Fund needs to go up because of some costs that we are incurring that have been raised. Our health insurance has gone up, therefore we have an increase of \$8,000. Fuel has gone up. Our wages are going up.

Robert Vaughan: They are? When?

Supervisor Rood: In the Year 2001 Budget.

Robert Vaughan: You are paying for another lawyer to fight the battle with the Highway Department.

Supervisor Rood: Yes, we are paying for a labor negotiator.

Robert Vaughan: We have a perfectly fine Town Attorney that can do the same thing.

Town Attorney Perley: This Town Attorney advised the Board that I do not possess the competence in matters of labor relations to properly and appropriately negotiate the contract with the labor union on behalf of this town Mr. Vaughan. I wish I had that confidence but I don't.

Robert Vaughan: I am not saying anything against you Mr. Perley.

REGULAR BOARD MEETING TOWN HALL

NOVEMBER 01, 2000 7:30 P.M.

Public Hearing (Cont.):

Town Attorney Perley: I appreciate that sir but I am telling you what I told the Board.

Robert Vaughan: Ok. There should be other people here that should be able to negotiate it. It says in the article, last paragraph that in Boston the likelihood of a contract settlement is next year. Why isn't it this year? The Town Board, and I have nothing against anybody else here, I say you should receive a

raise just like anybody else even though you are part-time. Also, but the people that work here, you have a Highway Department down to seven or eight people I believe, they are two, three short of what they should have. You can't give them a decent raise? That's three percent. Three percent for everybody here which amounts to x number of dollars and that is not that much in the Town's budget. This is my personal peeve and I'll tell every one of you that right there. It is nothing against Mr. Mead, Wiktor, Ms. Rood, Mr. Tills or Mr. Shenk or Ms. Ellis. But everybody should have it. They are working for thirty-three thousand dollars a year. Surrounding towns around here in the Highway Departments work for thirty-six to thirty-seven. Why should we give our people less pay than anybody else receives when they do a fantastic job? I've been out here since seventy-nine. But they come out three in the morning in the wintertime. They do what needs to be done in the summertime and there is never an argument but they can't get a decent raise in eighteen months. You want a raise January 1st. But they can't get one because of the fight between government and the road crew. It's not right. You want an eight percent increase according to the paper. I'm not saying it's right. I'm not saying that's what you said either. But everybody else gets one, why shouldn't they? I just got involved in the last couple of months but I'll be here every time and I am going to embarrass people every time I come in. Let's do what's fair. There is nobody here tonight. Like two weeks ago it seemed like half the town was here but tonight these people don't know what government is about. I was involved with politics for many years. I know what it's all about. You say your budget is, according to the paper, eight percent. It comes down to about maybe three, three and a half percent. And the reason it has gone up so much because twenty-four cents a thousand for the highway department which isn't much, it should never go up. You're covering yourselves. Election is next year and then taxes are going to be lower. Let's be fair every year around to the people. You don't need a twenty-four cent increase per thousand. Sure it should go up. I am not arguing against that but not twenty-four cents. Maybe five cents, maybe ten cents.

Supervisor Rood: Mr. Vaughan I just might comment that if we gave the Highway Department what they are asking for it would go up a lot more than twenty-four cents.

Robert Vaughan: The Highway Department asked for nothing.

Supervisor Rood: I am sorry we are in negotiations with them currently.

Robert Vaughan: Don't even tell me that. Everything is secret. I really don't care.

Supervisor Rood: I am sorry you don't want to hear the truth Mr. Vaughan. If you believe everything that you read in the paper you are misinformed, I can tell you that fact.

Robert Vaughan: I am not misinformed about what I know.

Supervisor Rood: That is a reporter's opinion.

REGULAR BOARD MEETING TOWN HALL

NOVEMBER 01, 2000 7:30 P.M.

Public Hearing (Cont.):

Robert Vaughan: Maybe I talked to somebody up here. You don't know that.

Supervisor Rood: Go ahead. You can talk to anybody you want.

Robert Vaughan: Taxes being raised by twenty-four cents. There is no need for it.

Supervisor Rood: I can tell you that if you look at the front page they didn't even use the same numbers from town to town to make that comparison chart Mr. Vaughan.

Robert Vaughan: What are your numbers then for a raise?

Supervisor Rood: I am telling you that if you read at the bottom of that chart and I am covering all towns that were included in that chart with Aurora and the top?

Robert Vaughan: I don't care about other towns. I care about this town. What is your raise then?

Supervisor Rood: My raise? Three percent.

Robert Vaughan: That's better. I'll accept that.

Supervisor Rood: Go ahead.

Robert Vaughan: Oh I will. I don't have to answer to these people. You know we have students here. We have ten people from the town tonight. The people that were here two weeks ago for the zoning on Rice Road aren't even here tonight. The problem is nobody wants to speak up and I'm willing to speak up.

Supervisor Rood: I would only ask that you get the facts right when you do speak up.

Robert Vaughan: I have all the paperwork right here. I got the last budget, this budget, everything else. I've got the paper work if you want to argue about it.

Supervisor Rood: No. This is your time to state your peace at the Public Hearing. Is there anything else we can address for you?

Robert Vaughan: No.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to close the Public Hearing at 7:57 p.m.

five (5) Ayes Carried

Supervisor Rood commented that the vision of the previous Supervisor, Richard Kennedy, molded the Town Park behind the Town Hall.

RESOLUTION 2000-41 RICHARD KENNEDY

RESOLUTION 2000-42 RESOLUTION FOR ISSUANCE OF SERIAL BONDS TO FINANCE THE PURCHASE OF A 2000 FORD CHASSIS AND AMBULANCE CUBE FOR THE TOWN OF BOSTON AMBULANCE DISTRICT

Councilman Simmeth asked who wrote the Bond resolution?

Town Attorney Perley responded that he wrote it as opposed to having Bond Council write it.

REGULAR BOARD MEETING TOWN HALL

NOVEMBER 01, 2000 7:30 P.M.

Councilman Simmeth asked what a Bond Council would cost the town?

Town Attorney Perley responded that Bond Council would probably charge two to three thousand dollars.

Supervisor Rood noted that the following three bids were received on September 29, 2000, opened and read aloud for the Air Conditioning Improvements to the Boston Town Hall:

Tri-R-Cooling \$102,790

R.P. Mechanical \$107,701

Northeast Mechanical \$113,500

A motion was made by Supervisor Rood and seconded by Councilman Simmeth, on the recommendation of Town Engineer Harris and M/E Engineering, to award Tri-R Cooling the contract for the Air Conditioning Improvements to the Boston Town Hall at a cost of \$102,790.

Councilman Wiktor Voting Aye

Councilman Tills Voting Nay

Councilman Simmeth Voting Aye

Councilman Mead Voting Aye

Supervisor Rood Voting Aye

Four (4) Ayes (1) Nays Carried

Councilman Tills commented that he is opposed to the Air Conditioning Improvements bids on the basis (that they are all too high) and he would prefer to reject these bids and re-bid at a later date.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to accept the resignation of Frank H. Lisowski from his position as Deputy Code Enforcement Officer effective November 4, 2000.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to re-appoint Frank H. Lisowski to the position of Deputy Code Enforcement Officer, term effective November 6, 2000 through December 31, 2000.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to refer a request from Stephen A. Tybor, 6540 Hillcroft Drive to consider making a zoning ordinance change in regard to trees and/or fences placed on property lines to the Zoning Review Committee and the Conservation Advisory Board for review and recommendation.

five (5) Ayes Carried

The following bids for Sodium Chloride were received, opened and read aloud on October 30, 2000 at 10:00 a.m.:

NAME	BID/TON	NC
Morton Salt	\$22.92	X
IMC Salt, Inc.	\$22.93	X
Eastern Salt, Co., Inc.	NO BID	X
American Rock Salt	NO BID	NA

A motion was made by Councilman Mead and seconded by Councilman Wiktor, on the recommendation of Highway Superintendent Kreitzbender, to award the contract for Sodium Chloride to Morton Salt for \$22.92 per ton.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

NOVEMBER 01, 2000 7:30 P.M.

Received and filed a letter from William E. Harris, 8712 Park Drive, regarding flooding and increased flow of water and soil erosion after heavy rains.

Councilman Simmeth commented that Mr. Harris does have a problem and it is on private property. Town Attorney Perley, Highway Superintendent Kreitzbender and the Town Engineer have all inspected the site.

Town Attorney Perley noted that there is a plan based upon the generosity of the neighbors to alleviate the situation. Mr. Bernardi, 6385 Willow Drive, can clean out a ditch to potentially allow the water to

migrate to an existing ditch and to the Eighteen-Mile Creek. There is nothing to indicate that the town would have jurisdiction over the drainage problem.

SUPERVISOR REPORT

Supervisor Rood reported that the lights have been installed in front of the Town Hall.

Supervisor Rood met with representatives from FEMA and SEMO this week regarding damage caused to town properties and Dunn Road by flooding this summer. FEMA and SEMO will reimburse the town a total of \$99,456 for repair work previously done and for future repair work.

TOWN CLERK REPORT

Town Clerk Shenk announced that flu shots will be available in the Boston Town Hall November 17, 2000 from 10:00 a.m. to 2:00 p.m.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the South Boston playground equipment has been installed and inspected.

Highway Superintendent Kreitzbender thanked Assemblyman Richard Smith for an allotment of \$5,000 to be used for 2001 grade and drainage projects.

TOWN ATTORNEY REPORT

RESOLUTION 2000-43 DEFERRED COMPENSATION COMMITTEE RESOLUTION TO AMEND AND RESTATE
THE MODEL PLAN

COUNCILMAN REPORT

Councilman Mead thanked Highway Superintendent Kreitzbender for spreading donated mulch in the Creative Playground and Town Parks.

Councilman Wiktor reported that the Friday Night Recreation Program begins November 3, 2000. Grades 3 to 6 will run from 6:00 p.m. to 8:30 p.m. and grades 7 and up will run from 8:00 to 10:00 p.m. Ski forms are available in the Town Clerk's Office.

Councilman Wiktor reported that two weeks ago he was privileged to be the installing officer for the Boston Fire Company new officers. The Boston Fire Company answered over sixty calls this year. The Boston Fire Company is in the process of forming an off road fire rescue team which will employ four wheeler ATV's. Nine people had thirty years or more of service in the Boston Fire Company.

Councilman Simmeth thanked Supervisor Rood for all the hard work she did to secure the \$100,000 FEMA money.

REGULAR BOARD MEETING TOWN HALL

NOVEMBER 01, 2000 7:30 P.M.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for October 2000 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for October 2000 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for October 2000 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 8:20 p.m.

DAVID J. SHENK, TOWN CLERK