

Town Board Minutes November 19, 2003

REGULAR TOWN BOARD MEETING TOWN HALL

November 19, 2003 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Richard K. Hawkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor William A. Eagan, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Kelly A. Vacco.

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

Received a request for re-appointment to the Assessment Board of Review from Robert J. Ganey.

A motion was made by Councilman Mead and seconded Councilman Wiktor to appoint Robert J. Ganey to the Assessment Board of Review, term to expire 9/30/08.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded Councilman Simmeth to set the year-end meeting for Monday, December 29, 2003 at 4:30 P.M.

five (5) Ayes Carried

PROCLAMATION ? BOSTON PATRIOT FRESHMAN & JV FOOTBALL TEAM DAY

WEDNESDAY, NOVEMBER 19, 2003

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to adopt the minutes of the October 20, 2003 Special Meeting and the November 5, 2003 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 on Abstract #11A, dated November 19, 2003, in the amount of \$68,539.38 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff's Report for September 2003.

Received and filed notification from Foit Albert Engineering of initial set up and yearly costs associated with the new MS4 SPDES requirements mandated by NYSDEC.

Received and filed a request from David M. Bernas to be considered for appointment for future openings on the Planning Board.

REQUESTS FROM THE FLOOR

Raymond Gomolka, 6097 Thornwood Drive: On July 25th I filled out a permit for a culvert pipe in my front ditch. I was notified that it would be installed in three to four weeks. Four weeks after that a child fell in the ditch and an ambulance was called.

I called the Highway Superintendent's office and the Foreman (Gene Rola) said it would be another three to four weeks before they put the pipes in because they couldn't drive heavy equipment on the road. I never heard back from their office. I saw Councilman Hawkins and Supervisor Eagan and mentioned this problem to them. Yesterday I got a phone call from the Highway Department telling me it is going to be Spring before the pipes will be put in. Nothing is being done about this and I would like the pipes put in before something else happens in this ditch.

Highway Superintendent Kreitzbender: You bought the culvert pipe and had it in your yard before you filled out the permit. The application must be forwarded to the Engineer to determine the size pipe required and where the D-Is will go. I told my foreman
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REQUESTS FROM THE FLOOR (CONT.)

Highway Superintendent Kreitzbender (cont.): to tell you three to four months. I am not bringing heavy equipment and damaging a green road.

Raymond Gomolka: There are three dump trucks that come up and down that road everyday.

Highway Superintendent Kreitzbender: There shouldn't be because that is a four-ton road but that is different than sitting on there with a grade-all. I am meeting with the Town Attorney on Tuesday. Last December this Town Board passed a resolution making the homeowner responsible for the materials and the fill. We haven't established who gets paid for it yet or what the cost is. I haven't done jobs like this in the past year. I am waiting for this draft to be done. I cannot use road money to do this because this is a drainage system and I do not have a drainage account to cover pipes for everyone in town.

Raymond Gomolka: I was told three to four weeks, you say three to four months. It is four months now. I just got a phone call from your office and that is because I spoke with Supervisor Eagan and Councilman Hawkins. That is the only reason.

Highway Superintendent Kreitzbender: The reason you got a phone call was because Foit-Albert Engineers faxed me a letter to tell you when it would be possible for us to do this. I can't do it because I don't have an agreement by the Town Attorney on how this payment is going to take place.

Raymond Gomolka: So you don't know when they are going to be put in? I was just told Spring. It could be next Fall.

Highway Superintendent Kreitzbender: If I tell you I will do it next week and it snows then I won't be able to do it for you.

Councilman Hawkins: Is there a possibility that if the weather held off and you and Town Attorney Vacco agreed on the payment that you can take care of this for the homeowner?

Highway Superintendent Kreitzbender: Weather providing and if the Town Board approves it.

Supervisor Eagan directed the Deputy Town Clerk to provide him with a copy of the 2002 Resolution in question.

Highway Superintendent Kreitzbender: I am sorry for your inconvenience and we will take care of it as soon as this is drawn up.

Sherry Becker, 5290 Keller Road: I got a copy of the new 2004 budget. Is this the budget or is it to be further discussed?

Councilman Hawkins: It has to be adopted this evening or it goes back to the proposed preliminary budget.

Sherry Becker: I noticed that the figures for the revenue from the taxpayers for the Highway Department was decreased \$100,000. I noticed the franchise revenue was increased approximately \$30,000. I also noticed that the state retirement benefits increased 200%. There was an article in the Sun about Hamburg in conjunction with the Buffalo Niagara Partnership coming up with different ways to deal with the increase crisis. I called to see if that is something our town could look into because in the future I don't see our taxes coming down. I see them going up and that is something we need to control and look at.

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REQUESTS FROM THE FLOOR (CONT.)

Supervisor Eagan: There is a movement to address the lawmakers in Albany on this retirement issue. The Hamburg Supervisor was eluding to a consortium to attempt to do something on a united front to approach Albany. It is a threat to all of us and the reason why the budget went up.

Sherry Becker: There is a huge fluctuation in the Highway Department where one year we experience a huge decrease and the following year we experience a huge increase. It seems to me that maybe there wasn't some proper planning.

Received a request from Boston Community days for use of the Town Park facilities for the Community Days event June 16-21, 2004.

Received notification from the Patchin Fire Company that fire police will be provided for traffic control and fire suppression for fireworks during the 2004 Boston Community Days event.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to grant the Community Days Committee use of the Town Park facilities June 16-21, 2004 and reserve the third week in June of every year for the Community Day event upon notification by October 31st of intent to hold event the following year.

five (5) Ayes Carried

Councilman Mead requested that the Community Days Committee send a letter to the Town Board requesting the event be scheduled the third week in June on an annual basis.

Received a request from Robert DeSantis for renewal of a Special Use Permit for a temporary structure at 6346 May Drive.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to grant Robert DeSantis a renewal for a Special Use Permit for a temporary structure at 6346 May Drive, term to expire 12/31/05.

five (5) Ayes Carried

Received an application for a Site Plan Review from Anne Gallagher for a family restaurant at 5699 Herman Hill Road.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to refer an application for a Site Plan Review from Anne Gallagher for a family restaurant at 5699 Herman Hill Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

Received a letter of recommendations from Nussbaumer & Clarke, Inc. for the East Hill Water District #3 Contract Award for Contract No. 3B, Pump Station ? Electrical, Contract No. 4B, Water Storage Tank ? Electrical, Contract No. 2 ? Waterline Improvements and Contract No. 3A ? Pump Station General Construction.

A motion was made by Councilman Hawkins and seconded by Councilman Wiktor, on the recommendation of Nussbaumer & Clarke to award the contract for the East Hill Water District #3 Contract No. 3B, Pump Station - Electrical to O?Connell Electric Company for \$71,950, Contract No. 4B, Water Storage Tank ? Electrical to Tunney Electric Inc. for \$47,970, Contract No. 2 ? Waterline Improvements to Sergi Construction for \$1,106,892 and Contract No. 3 - Pump Station General Construction to STS Construction of WNY, Inc. for \$308,720.

five (5) Ayes Carried

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Received and filed a Planning Board recommendation of denial for the Site Plan Review application for a duplex to be constructed at 6986 Brown Hill Road due to the lot size being smaller than the 5-acre required by Town Code.

Supervisor Eagan presented the 2004 Budget.

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan that the 2004 General Fund Budget be approved as follows:

Appropriations 1,434,059.00
Less Estimated Revenue-772,400.00
Less Unexpended Balance 485,000.00
Amount to be Raised by Taxes 176,659.00
five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the 2004 Highway Fund Budget be approved as follows:

Appropriations 1,179,224.00
Less Estimated Revenue-439,000.00
Less Unexpended Balance 115,000.00
Amount to be Raised by Taxes 625,224.00
five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins that the 2004 Fire Protection Budget be approved as follows:

Appropriations	641,700.00
Less Estimated Revenue	00.00
Less Unexpended Balance	10,000.00
Amount to be Raised by Taxes	631,700.00

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins that the 2004 Light District Budget be approved as follows:

Appropriations	20,000.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	20,000.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Hawkins that the 2004 Ambulance Budget be approved as follows:

Appropriations	92,200.00
Less Estimated Revenue	00.00
Less Unexpended Balance	10,000.00
Amount to be Raised by Taxes	82,200.00

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 2004 Refuse and Garbage Budget be approved as follows:

Appropriations 360,000.00
Less Estimated Revenue 00.00
Less Unexpended Balance 21,812.00
Amount to be Raised by Taxes 338,188.00

five (5) Ayes Carried

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Budget (Cont.)

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth that the 2004 Water District #1 Budget be approved as follows:

Appropriations 72,910.00
Less Estimated Revenue 00.00
Less Unexpended Balance 10,000.00
Amount to be Raised by Taxes 62,910.00

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded Councilman Wiktor that the 2004 Water District #2 Budget be approved as follows:

Appropriations	50,115.00
Less Estimated Revenue	00.00
Less Unexpended Balance	10,000.00
Amount to be Raised by Taxes	40,115.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Hawkins that the 2004 Water District #1 Extension #1 Budget be approved as follows:

Appropriations	6,422.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	6,422.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth that the 2004 Water District #2 Extension #2 Budget be approved as follows:

Appropriations	29,605.00
Less Estimated Revenue	00.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	29,605.00

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth that the 2004 Water District #3 Budget be approved as follows:

Appropriations	110,834.00
Less Estimated Revenue	-16,000.00
Less Unexpended Balance	00.00
Amount to be Raised by Taxes	94,834.00

five (5) Ayes Carried

Deputy Town Clerk Ellis read the 2004 Budget totals:

Appropriations	3,997,069.00
Less Estimated Revenue	-1,227,400.00

Less Unexpended Balance 661,812.00 Amount to be Raised by Taxes 2,107,857.00

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Budget (Cont.)

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth that the 2004 schedule of salaries for the elected Town Officials be approved as follows:

Supervisor 27,470.00

Councilman 7,325.00

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Councilman 7,325.00

Town Clerk 37,200.00

Town Justice 12,580.00

Town Justice 12,580.00

Superintendent of Highways 43,500.00

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to approve the unpaid water bills:

4812 North Boston Rd \$ 47.60

7598 Zimmerman Road \$104.02

6449 Willow Road \$ 67.36

9244 Boston State Rd \$ 74.04

9457 Boston State Rd	\$ 40.92
7167 Abbott Road	\$173.09
6207 Ward Road	\$ 78.09
6193 Ward Road	\$ 79.33
Total	\$664.45

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan to adopt the 2004 Budget.

five (5) Ayes Carried

SUPERVISOR REPORT

A) Supervisor Financial Report for October 2003 received and on file in the Town Clerk's office.

Supervisor Eagan thanked the Town Board members and Budget Director Kathy Selby for their input and willingness to work on this budget. He noted Department Heads cooperated to move the budget in a downward direction and their help was appreciated.

Supervisor Eagan reported that it has been a long time coming and everything looks promising for Water District #3, which has been put out to bid. The storage tank has been ordered and hopefully by this time next year residents will have public water.

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Mead to accept the Town Clerk's monthly report for October 2003.

five (5) Ayes Carried

Deputy Town Clerk Ellis announced that Town Clerk Shenk is now in Fort Dix and is expected home for the Thanksgiving Holiday. There will be a welcome home party at the Patchin Fire Hall on Sunday, November 30th at 5:00 p.m. Everyone is invited.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the FEMA project requested by the Town Board behind the Salt Building in Eighteen-Mile Creek has been completed. Grants Consultant Connie Miner will notify FEMA for an inspection before reimbursement can be received.

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HIGHWAY SUPERINTENDENT REPORT (CONT.):

Highway Superintendent Kreitzbender requested that the Supervisor and Budget Director set up a separate account for the Highway Department to put a portion of their surplus monies in to be used to replace vehicles or for emergencies.

Supervisor Eagan responded that it would be a good idea to have a dedicated fund for equipment and vehicles.

TOWN ATTORNEY REPORT

Town Attorney Vacco reported that she gave copies of the Highway Department Union Local 17 response and counter proposal to the Town's proposal to the Town Board for review. Discussions are

progressing and moving forward and she is hopeful of scheduling a Town Board work session soon. Town Attorney Vacco is pleased with the tone and direction of the meeting yesterday.

COUNCILMAN REPORT

Councilman Mead congratulated the Boston football league on their accomplishments. The football league and cheerleaders will be leaving in a week for a tournament in Florida.

Councilman Mead thanked the Town Board for their help in accomplishing a good budget.

Councilman Wiktor congratulated the football players for their dedication and hard work. The team that went to Florida last year was undefeated and brought back a national championship. We hope this team can do the same.

Councilman Simmeth announced that he and Supervisor Eagan belong to the Boston AMVETS Post that is in the mist of organizing a chapter called the Sons of AMVETS. It is for anyone eighteen years or older who had a family member in the service. This will bolster the membership, which costs \$20.00 year. The AMVETS are involved in many activities and offer scholarships etc.

Councilman Hawkins congratulated the football players noting that he has two children on the team.

Councilman Hawkins reported that the trailer that was parked at the Patchin Fire Hall was burned on November 17, 2003.

CODE ENFORCEMENT OFFICER REPORTS

A) Code Enforcement Officers monthly reports for October 2003 received and on file in Town Clerk's office.

DOG CONTROL OFFICER REPORTS

A) Dog Control Officers monthly reports for October 2003 received and on file in Town Clerk's Office.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adjourn the meeting at 8:35 p.m.

KAREN A. ELLIS, DEPUTY TOWN CLERK