

## **Town Board Minutes November 5, 2003**

REGULAR BOARD MEETING      TOWN HALL

NOVEMBER 5, 2003      7:30 P.M.

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

Town Attorney Vacco presented Proposed Local Law No. 3 of the Year 2003, to Amend Chapter 104, Subdivision of Land, noting that this is in accordance with the review of the Town of Boston codes by Town Engineers, Foit-Albert Associates. This proposed Local Law addresses NYS codes as related to highway storm water runoff and DEC codes that have been updated since the last time that the Town of Boston subdivision codes have been implemented. The Proposed Local Law is representative of all State, Local and Federal codes that have since been enacted.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a Public Hearing for December 3, 2003 at 7:45 p.m. for Proposed Local Law No. 3 of the Year 2003, to Amend Chapter 104, Subdivision of Land.

five (5) Ayes      Carried

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor Eagan to adopt the minutes of the October 1st and October 15th, 2003 regular meetings and the October 16, 2003 Special Meeting.

five (5) Ayes      Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the fund bills on Abstract #11, dated November 5, 2003, in the amount of \$137,702.50 be paid.

five (5) Ayes Carried

Sheri Becker, 5290 Keller Road: I would like to re-confirm that everyone is in agreement that the town does need a re-val and that we are moving forward and that we address tonight where we are and where we are going. I looked at last year's budget provided by Supervisor Egan who spent a lot of time with me and I thank him for that. I looked at 2003 versus the 2004 budget, and realize this is a tentative work in progress, but the Highway Department has a \$188,000 increase. This is a hardship for the taxpayers and we need an explanation on this tonight if we could.

Supervisor Egan: We can put that into the Public Hearing on the Budget.

Councilman Simmeth: We have talked with the Assessor and are scheduling dates either the first or third week in December to start the re-val process. The Assessor informed me it would probably be 2005 at the earliest but maybe 2004. She didn't know.

Received a letter from Horton Development Inc. regarding the installation of a fire hydrant on the north side of Boston State Road in North Boston.

A motion was made by Supervisor Egan and seconded by Councilman Mead to refer the letter from Horton Development Inc. regarding the installation of a fire hydrant in North Boston to Town Attorney Vacco and the North Boston Fire Company for review and recommendation.

five (5) Ayes Carried

Received a bid tabulation sheet from Engineers, Nussbaumer and Clarke, Inc. for bids received on February 13, 2003 for the East Hill Water District #3 Contract #4 ? Water Storage Tank.

REGULAR BOARD MEETING TOWN HALL

NOVEMBER 5, 2003 7:30 P.M.

A motion was made by Councilman Hawkins and seconded by Councilman Wiktor, on the recommendation of Engineers, Nussbaumer and Clarke, Inc. to award the bid for the East Hill Water District #3 Contract #4 ? Water Storage Tank to the low bidder, Chicago Bridge & Iron Co. in the amount of \$644,000.

five (5) Ayes Carried

Received an application for a Site Plan Review from Douglas and Karen Schunk, 6986 Brown Hill Road.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to refer the application for a Site Plan Review from Douglas and Karen Schunk, 6986 Brown Hill Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

RESOLUTION 2003-32 DEFERRED COMPENSATION ?

TO AMEND AND RESTATE THE MODEL PLAN

RESOLUTION 2003-33 UNPAID BILLS

Town Attorney Vacco presented Proposed Local Law No. 2 of the Year 2003 to Amend Section A-127, Street and Highway Specifications. She noted that the amendment is in accordance with the review of the Town of Boston codes by Town Engineers, Foit-Albert Associates and is needed to be in compliance with State and Federal regulations as it relates to town roads and highways.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a Public Hearing for December 3, 2003 at 7:50 p.m. for Proposed Local Law No. 2 of the Year 2003, to Amend Section A-127, Street and Highway Specifications.

five (5) Ayes Carried

Received a landscape proposal from Lynn Zachmann, Consulting Arborist, for pruning crabapple trees at rear of the Town Hall.

A motion was made by Supervisor Egan and seconded by Councilman Wiktor to table for further review the landscape proposal from Lynn Zachmann, Consulting Arborist for pruning the crabapple trees at the rear of the Town Hall.

five (5) Ayes Carried

At 7:45 p.m. a Public Hearing was held to hear public comments regarding the Preliminary Budget for 2004.

Supervisor Egan read the legal notice.

Supervisor Egan: Most of you should have a hand out put together as a further explanation of the tentative budget. The papers claim 19% increases and lose the words tentative and proposed in the article headings. This is a tentative budget that is a work in progress to amend, as is the procedure every year. The first sheet is the comparable tax rates from neighboring towns. There is a breakdown of the 2003, the 2004 tentative and the 2004 work in progress budgets. This is based on a \$100,000 assessment. On the next page there is an eleven-year history with average tax rates for the General and Highway funds. I think you need to know this and it enlighten you as to where our taxes have been and where they are not going.

A motion was made by Supervisor Egan and seconded by Councilman Mead to open the Public Hearing at 7:46 p.m.

five (5) Ayes Carried

REGULAR BOARD MEETING      TOWN HALL

NOVEMBER 5, 2003      7:30 P.M.

Public Hearing (cont.):

Deputy Town Clerk Ellis

reminded those in attendance  
that there is a two-minute  
speaking limit.

Sheri Becker, 5290 Keller Road:

This paperwork is nice but it  
doesn't mean much to me without  
taking it home and studying it  
further. You say there is a  
budget work in progress but we  
haven't heard what has been done  
on the budget. I have the  
tentative and the last year budget  
and again I see \$188,000 increase  
in the Highway Department. I don't  
understand why that is such a huge  
increase. I know fuel costs have  
gone up. When looking at \$20,000,  
\$30,000 increases, that is huge to

me. We need this to be explained  
in layman taxpayer terms so we can  
understand why this is so huge. I  
noticed General Fund was up \$30,000.  
Those are the two major increases.

Supervisor Eagan: We had to buy a  
few trucks in the Highway Department.

Fuel costs are up. It is a matter of  
fact. It is no different in our homes. We are faced with it at the pumps as individuals. He (Highway Superintendent Kreitzbender) has a Highway Department to run. He has to put safe vehicles on the roads and I am sure Highway Superintendent Kreitzbender can support that. He has certainly supported his need to us. That is why you see that increase in his budget. That is what I was told. I know those numbers are true as far as his debt service. We have consolidated that debt to lower the long-range costs of money that is borrowed to buy the new equipment. I am certain that will improve the snowplowing and all the other work they do in the Highway Department. It may not be what you want to hear but that is why it went up.

Michael Pritchard, 8863 Pearl Street: You mentioned that we bought some new trucks and my question would be, what is the amortization period for those trucks? Have we not budgeted for replacement trucks in past years? It looks like Highway rates have been pretty steady for the last ten years. Is this something new or have we failed to plan for that in past years?

Highway Superintendent Kreitzbender: We didn't have a vehicle replacement plan when I came into office. We did have some trucks that were really in need of being replaced, not only trucks but also a grade-all. What we had was a badger, the same thing as a grade-all. It was going to take approximately \$20,000 to put the vehicle in safe working order. It has a remote control so that when you get on the job location you can switch it to the back where the operator runs the machine. It has different sets of controls for brakes and the biggest problem with this vehicle is that you can be on a hill and release the brakes and they wouldn't re-lock again. So you are freewheeling down the hill. I had a couple of instances where the operators called from the job. They had to drop the bucket and dig into the shoulder of the road to stop the machine. I had quotes from two different people. There were very few people who could work on this. It was about \$20,000 to fix this vehicle. When we got done the vehicle

would be worth about \$5,000-\$7,000. That is about what we got for it when we traded it in. The grade-all that we replaced it with was

REGULAR BOARD MEETING      TOWN HALL

NOVEMBER 5, 2003      7:30 P.M.

Public Hearing (cont.):

Highway Superintendent Kreitzbender (cont.): \$200,000. We have to pay for that. Last year unexpectedly we had a 1987 Oshkosh with a frame that broke in half. While it was being repaired we purchased a new one. The repair is only good enough for the truck to go up and down the hills. It can't push. We can't put pressure side ways on it. Yes, I can go up and down hills and sand but I can't push snow. We had two other vehicles at the ten-year mark that should be replaced. Both needed enough work and we got an estimate from Valley Truck and two other repair facilities. We were going to put \$50,000 in two ten-year-old trucks. My choice to the Town Board was that I would get rid of the two trucks, downsize with one less truck but give me a four wheel drive that I can provide better service to the people with, especially in winter. The Town Board agreed and I took the two vehicles to the auction this year and one brought in \$20,000 and the other \$13,700. We did get something out of them but now I have a four-wheel drive Oshkosh vehicle that I can pretty much do anything with. We still have vehicles that need attention but we are going to let them go for awhile because they are not at the point where someone would get hurt driving them. There was a definite need to update equipment. I put my men's safety as number one. We had some real problems with some of the trucks down there and that is why my debt service for vehicles is up.

Sheri Becker: What is the debt service for the vehicles because that seems to be the main increase here.

Bookkeeper/Budget Director Kathy Selby showed Sheri Becker what the debt service is in the budget.

Sheri Becker: That is part of this increase, it is definitely not the entire increase.

Highway Superintendent Kreitzbender: Last year an individual who works for the Highway Department got cancer. He thought he would be out indefinitely. It was this time of the year. With winter hitting I couldn't go with one man less so we hired another man. He came back this Spring and is on limited duty. We don't know for how long but he can't lift anything over ten pounds. We did hire another

person to take his place. Now that he is back he is doing all the electrical, sand blasting, painting and hydraulic work. He is working. It is not that we are just paying someone because he is on light duty. He is earning his salary but we did have to hire someone because he was out all winter and winter is when I really need the help. I could have gotten away in the summer without him but not in winter. That is another increase. We have been in the red for fuel since the first of July. The last time we budgeted, fuel was at \$.51 per gallon and we are now paying \$1.50. I budgeted \$2.00 per gallon for this coming year and it is a good thing that I did because we hear that fuel is going to go up \$.30 or \$.40 per gallon the first of the year. My road repair was brought down from \$100,000 to \$70,000. If you know what things cost to repair roads, \$70,000 is nothing. Other towns that have half the miles of road that we do are putting \$200,000 into that fund. I am cutting back everywhere I can. I am cutting back on the overtime everywhere I can. I've made all my trucks a one-man vehicle. If we were paying two men to go in those trucks as we were when I came into office, at regular pay you would have added \$80,000 towards the payroll. If we used part-time help at \$10.00 per hour it would have been about \$20,000 to \$25,000. So we are cutting everywhere we can. There were things we needed and uncontrolled things like retirement. I don't know what the percentage increase was, 350%?

Sheri Becker: I did see that letter from the State. I know that I as a taxpayer I do not have control over that but I will say that I don't know anybody that gets a retirement plan now but I do

REGULAR BOARD MEETING      TOWN HALL

NOVEMBER 5, 2003      7:30 P.M.

Public Hearing (cont.):

Sheri Becker (cont.): know the taxpayers have to pay for the government to have a retirement plan. I don't think a heck of a lot of people are happy about that. It is affecting the schools, it is affecting the state. It is getting to the point that people are going to have say enough. Get yourself a 401K like I did. I don't want to pay for everyone's retirement. I am not here to debate that. If Boston has experienced quite a building boom as I have been told on the equalization, where are the revenues going from these new homes? Aren't they coming in to help the Highway Department and all these other increases?

Kathy Selby: Every year we have a significant increase in our taxable assessment, which helps offset expenses, but unfortunately it is not enough.

Sheri Becker: I am at a disadvantage because I am not on your side of the fence but I do have a lot of questions.

Councilman Mead: I don't know if you had a chance to look at the second page. There is the tentative budget and there are work in progress rates.

Sheri Becker: I understand this is a tentative budget. Do you adopt the budget tonight?

Councilman Mead: No.

Sheri Becker: Does the public have a right to see the finished product before it gets adopted?

Councilman Mead: It is public. The whole object of the Public Hearing tonight is to get recommendations and comments. It wouldn't be fair to everyone who took the time to come here to adopt something unless we listen to everyone.

Herb Klein, 7690 Back Creek Road: In reviewing Mr. Eagan's budget?

Councilman Hawkins: Excuse me, that is the Town Board's budget. It is not Mr. Eagan's budget.

Herb Klein: The fund balance that I recorded on the end of 2002 in your financial report Mr. Eagan, shows a savings account at Evans Bank for 1,475,866.94 and at Chase Bank for \$302,917.97, giving a fund balance of \$1,778,784.91 at the end of 2002, and the beginning of 2003. I know you budgeted in your general fund in 2003, \$454,750. From that fund balance I am not sure whether it came from that figure or whether that fund balance in the 2003 budget was taken out before this figure came out. Regardless, if you did put that \$454,000 into the 2003 budget you still had a surplus of 1.3 million. It is also interesting to know that I think you projected a raise of \$.07 per thousand in the general fund. One penny will bring in \$2,574.30. So you could easily wipe out that \$.07 in this 2004 budget by using surplus money rather than raise taxes. I also did a review of sales tax. In 2002 you received \$800,495.20. You budgeted \$546,761.46 in the 2002 budget. You had a sales tax surplus at the end of 2002 of over \$253,000. Now we come to 2003 and you budgeted \$650,000. You received over \$800,000 in 2002, and

everything we read in the papers and from the County Comptroller indicates that sales tax will be up in 2003, so you are probably are going to have another \$150,000 in surplus at the end of 2003 just in your sales tax account. Then I look at the mortgage tax. In 2002 you budgeted \$70,000 and amended it with \$10,320 for a total of \$80,320.92. You received \$199,989.35. So you had a surplus in the mortgage tax in revenue of \$119,668.43. In 2003 you didn't up your budget revenue for mortgage, you left it at \$70,000. To date you

REGULAR BOARD MEETING TOWN HALL

NOVEMBER 5, 2003 7:30 P.M.

Public Hearing (cont.):

Herb Klein (cont.): received \$107,313.87. You projected that is going to go to \$150,000. I believe you have one more check coming for this year and I understand that could very well be equal to the one you already received of \$107,000. So you are probably going to take in closer to \$200,000 in mortgage tax this year. Next year in the 2004 budget you only budgeted \$70,000. Now talking to another Supervisor in another town, the suggestion is that you lower mortgage tax 10% to 15% for next year because they don't expect as many people are going to be re-financing their homes. I think there is plenty of money here in revenue coming in that you are not putting into your budget. I don't know what you are saving it for. I have an idea what you are saving it for. I think that could be applied toward lowering the tax and the taxpayers in Boston wouldn't be hit with such a high tax.

Mary Lou Kennedy, Eddy Road: I am wondering what cut backs are you making? Are we making any cutbacks on anything?

Supervisor Eagan: We send out a request to all Department Heads and they are returned about the second week in September. In the process of waiting for the requests the Budget Director and myself go over our pending bills and projections that we get from different sources. We consult with different insurance consultants. We consult with the banks. We have a budget work session prior to submitting the tentative budget. If we took the original budget, the highway would be at \$3.40 per thousand. The general fund would have been at \$1.16. Through the work session we were able to reduce that, and that was only one work session, down to \$.76 for the general fund and \$2.99 for the highway. Now that we have submitted the tentative budget as of October 1st, because the state mandates we get something into the record at that time, we then have a period of time until November 20th to finalize the budget. We have made reductions. In every department we've cut equipment, contractual budgets and we've limited raises. I don't think there is too much of anything we've missed up to this point. If you look at the sheet that you just got, the dollars and cents in the reductions there will reflect what we've done so far as a Town Board.

Mary Lou Kennedy: Are we paying our employees of this town full health benefits?

Supervisor Eagan: If they are full time we have to pay them health benefits.

Mary Lou Kennedy: I understand that most of the towns don't pay full health benefits and employees are contributing to their health care as most of us have to do now. Isn't that an option to look at?

Supervisor Eagan: Yes it is. We have our insurance consultant who has gone out in the market and got us quotes from different health care organizations. The highway department is a union bargaining unit. The results of the health care come out of the results of the negotiations, which are not completed yet. We're hoping there will be a considerable savings in health care costs for the town as compared to the current contract.

Mary Lou Kennedy: Will you be looking for employees to be paying a percentage of their benefits?

Supervisor Eagan: That is what you are here for tonight, to give us suggestions in that area. Not all of the employees here take health care because their husbands or wives are getting it somewhere else. They don't all take it.

Mary Lou Kennedy: Is everyone getting a raise in this budget?

REGULAR BOARD MEETING      TOWN HALL

NOVEMBER 5, 2003      7:30 P.M.

Public Hearing (cont.):

Supervisor Eagan: No.

Mary Lou Kennedy? Who is getting a raise?

Councilman Hawkins: No elected official other than the Highway Superintendent is getting a raise this year.

Mary Lou Kennedy: The Town Clerk is not getting a raise?

Councilman Hawkins: No.

Mary Lou Kennedy: Shouldn't all the raises be frozen under these circumstances? I just feel that if you take a really good look at this budget you should be able to cut back enough so that we are not increasing taxes at all. I think that the increased tax base should supply enough of the extra money that you need for the fuel costs and the highway and everything else. That is my opinion. If other towns can hold the line or reduce, this town should be able to look at that budget and really scrutinize it. All you guys should be working together to save us money instead of increasing our taxes. I live in Water District #3 and the cost of that is going up astronomically. This is unreasonable. I have a comment to make regarding that \$5,000. I would like to know, that Scenic By-Way or whatever you are referring to the 219 as, that includes the towns of West Seneca, Orchard Park, Boston, Concord and Springville. Are all the other towns contributing to those attorney fees or just us?

Supervisor Eagan: I don't know that.

Councilman Simmeth: So far we are the only town that is contributing.

Mary Lou Kennedy: I am really disappointed in your decision regarding that. Especially with our circumstances now.

Steve Manning, 8755 Zimmerman Road: My biggest request here is not just that the taxes were going up 19% and now here they are 10% or whatever. You had one meeting and it dropped 9%? That is wonderful. You should have two or three more meetings and get it down there. The thing I am

concerned about is that there is some concern over the assessed value of a home going to full assessment value. Is there any comment on that? Are we thinking about that?

Councilman Mead: You must have come in late. We already mentioned that. There are going to be meetings on going to full valuation.

Steve Manning? They will go to full valuation? And then 10% on top of that.

Supervisor Eagan: There is no 19%. There is 10%.

Steve Manning: The full valuation thing is actually a bigger issue than the costs going up. At any rate Wayne (Highway Superintendent Kreitzbender) you are doing a great job. The costs of equipment that I deal with everyday are astronomical. Repairs are the worst. You guys keep working and get it down there some how. Right?

William Wahler, 8014 Zimmerman Road: What is the increase in our assessed property valuation in our town? I haven't heard anything and with all the building going on here what was our basic valuation of property in the year 2000? What is it this year in 2003, 2004? I haven't heard any figure on that.

REGULAR BOARD MEETING      TOWN HALL

NOVEMBER 5, 2003      7:30 P.M.

Public Hearing (cont.):

Supervisor Eagan: I believe the full assessed value based on the 2003-2004 tax roll is about \$274,000,000. Unfortunately, because of the equalization rate being where it is, we can't apply any tax rates on that portion of money because the State says you must apply the equalization rate and that then determines your taxable assessment which I believe is around \$257,000,000. So what you are paying taxes on now is an amount of assessment that is referred to as taxable value. With the idea of

the updated property values that Sheri refers to, one of the things that you should be aware of, if you are paying \$20.00 at a tax rate today on what is the taxable value, you shouldn't think that you are going to be paying that \$20.00 rate on full value. That rate will be adjusted. You should also be aware of the fact that you are paying \$1,000 today in school taxes and when you re-do the equalization rate, it doesn't necessarily mean, whether it is school or town, that when they adjust that rate, that you are going to pay less. One of three things happens in a re-val. Some go up slightly, some go down slightly, and some stay the same. When the State officials join us for a meeting we will be planning Public Hearings on how to explain it to people because one of the biggest fears is that you look at your tax bill today and you see a huge tax rate for school. People think right away that is the same tax rate they are going to be using. That is not the case.

William Whaler: I apologize, I think I lost you in your first sentence. All I want to know is that right now, we'll say in the town back in the year 2000 we had a property value of \$20,000. Now we built all these homes, what are we now? Are we now \$25,000? What is the difference between the year 2000 and now? Forget about the assessment and all that. All I want to know is that there is x number of dollars, X number of houses and we put a tax on them all and taxes increased and how much did it increase? Right now does your increase in taxes justify that? That is what I am asking.

Councilman Simmeth: The assessed value is about \$5,000,000 more compared to last year according to our figures. It was \$252,000,000 last year.

Supervisor Eagan: The taxable amount that we can apply a tax rate to is about a \$5,000,000 increase. I would like to comment one thing on the budget regarding the comment about the amount appropriated for revenues. If you go back to the 2001 budget and budgets prior to that, you will see, and even in 2002, the appropriations for revenues such as mortgage and sales tax will reflect in other budgets, usually \$70,000 or \$90,000 that was budgeted for mortgage tax under previous Supervisors. That is reflected in the 2001 budget I have in front of me. One of the things a County official pointed out to me in preparing the budget last year was that if you use surpluses excessively it is like a family member losing a job and until they get another one, you use your savings account to make that car payment. At some point if you don't have the means to replenish that account, it goes to zero. In this town or in any other community, everybody has their unique situation, but we are all faced with the same facts. I am in the mortgage business as well as real estate. I do write mortgages. As Mr. Klein referred to the mortgage business, I would say it is safe to assume that the majority of the people in our area that could take advantage of the opportunity to refinance their home probably have done so in the last year and a half. Any meetings Kathy (Budget Director) and I have had with accountants were to approach this with a very conservative approach. There is no \$1,400,000 in our savings. Is that correct Kathy?

Kathy Selby: In surplus? No.

REGULAR BOARD MEETING      TOWN HALL

NOVEMBER 5, 2003      7:30 P.M.

Public Hearing (cont.):

Supervisor Eagan: We have used a considerable amount of that money in projected fund balances and preparing this budget as we did last year. The difference is that with the ending of the 2000-year budget there won't be as much surplus as we found in budgets in the past because we tried to approach it with a very conservative approach. That is why the tax rate went down for your 2003 budget from \$.71 to \$.66. Now our costs have gone up and when they go down again we will be the first ones to lower taxes again. Any idea that surpluses should be used strictly for covering the reality of a tax cost, somewhere you are going to drain that account. That account has got to be used for such things as this salt barn. We have to come up with \$75,000 match if the grant is approved. If the soccer fields are approved on a grant we have to come up with a match. That is where these monies are used. The Wildwood Road erosion project, we have to come up with a match. The same thing with the Eighteen Mile Creek Erosion Project that is being managed as a Lead Agency with Erie County Soil and Water. The more work we do down there the more money we have to contribute. That is the proper use of your surpluses, to use it for matching funds that can give improvements to the community. You drain it and you don't have the means to put it back, just like our savings account at home, at some point you will end up like what happened in Alden or Akron some years ago. Politicians got in office and to hold down taxes, they drained that fund. They are not in office anymore. They took it down to zero and then they started borrowing money to cover up the tax increases. That is a dangerous thing to do. That is why the Supervisors before you and me have those schedules in the tax rates and never went into those surpluses in an aggressive way. Whether excessive or moderate you cannot drain those surpluses in a reckless way. This Board knows that because we have used some of it. When the end result comes out of our next work session and on the comments we got here tonight, you will see that some of that money has been used but it has been used conservatively so we have a means of at least trying to replenish part of it. You shouldn't be misled by anyone saying we have \$1,400,000 or \$1,700,000 in surplus. That was a year-end report from last year and some of that money has been used for increased costs in engineering that was under budgeted because we had so many projects going on. I want to make the point clear that a surplus is not sitting there for a rainy day nor is it used to reduce taxes in an election year. I reduced taxes the first year in office along with this Board.

Brian Walker, Pin Oak Drive: I want to thank you for your efforts to hold down the budget, particularly the Highway Superintendent. It sounds like he has his act together. I urge you to do take care with the tax increase because any tax increase will depress the local economy. That is generally what happens. You said you talked to your staff about the budgets of the various departments that you deal with. Go into detail or whatever it takes. Make sure that the money is spent carefully and wisely. It sounds like you are doing that.

Councilman Hawkins: That is one of the reasons that we have a public hearing. We sat at several meetings and we will continue to have meetings to figure out a way that we can drop this budget down to a moderate increase in the taxes. That is what everyone wants and that is what everyone is working for.

Darlene Williams, 5330 Keller Road: Why a pay increase at all for the town employees? Why not a freeze for one year? Some people are taking cuts in their pay to keep their jobs? Why an increase in pay?

REGULAR BOARD MEETING      TOWN HALL

NOVEMBER 5, 2003      7:30 P.M.

Public Hearing (cont.):

Councilman Hawkins: That is one reason why this Town Board, all of us, decided that we will lead by example and not take a raise this year. The economy is bad and we all agree with that. We are trying to pinch wherever we can. It is like many of you who have regular jobs out there. Every year you work very hard and every year hopefully you expect to see some type of raise. Every year the cost of living goes up, gas goes up, electric goes up. People who are set on fixed incomes, things go up.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to close the Public Hearing at 8:18 p.m.

five (5) Ayes Carried

#### SUPERVISOR REPORT

Supervisor Eagan received notification from Concord Supervisor Steffan that through the cooperation of Erie County Clerk Swarts the NYS Department of Motor Vehicles will operate Thursdays from 9:30 am to 3:00 p.m. at the Concord Town Hall, 86 Franklin Street in Springville.

Supervisor Eagan congratulated Assessor Hornberger on completing training requirements for the designation of State Certified Assessor.

#### TOWN CLERK REPORT

Deputy Town Clerk Ellis congratulated Councilman Mead, Highway Superintendent Kreitzbender, Town Clerk Shenk and Councilman-elect Brien Hopkins on their success in the recent election.

Deputy Town Clerk Ellis announced that Town Clerk Shenk is on his way home. He is now in Kuwait waiting for a plane to Fort Dix. He expects to be home sometime this month, which is good news.

#### HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender announced that a representative from the NYS Labor Board measured the noise level of the chipper and determined that it was over the acceptable level. Audiology testing has been done and must be done yearly to comply with NYS requirements. Test results will be given to the Town Clerk for filing.

Highway Superintendent Kreitzbender reported that there will be a meeting on November 7, 2003 with the engineers regarding regulations for NYS DEC. Everyone must comply. There is work that needs to be done in our highway yard to comply so nothing can leak into Eighteen-Mile Creek.

Highway Superintendent Kreitzbender, in response to a request from Councilman Hawkins to contact Erie County regarding Pfarner Road, reported that the south lane was totally broken up. The County addressed the situation by repaving the entire section of road.

#### TOWN ATTORNEY REPORT

Town Attorney Vacco reported that regarding Water District #3, the Town Board approved Eminent Domain proceedings against two property owners. One of the property owners signed an easement and the other is still pending.

REGULAR BOARD MEETING      TOWN HALL

NOVEMBER 5, 2003      7:30 P.M.

#### COUNCILMEN REPORT

Councilman Mead thanked the residents for electing him for another term in office and commented that he will work very hard to address all the concerns that residents have. He noted that he appreciates the residents coming to the Town Board meetings and giving their comments because without response from the residents there is no way to know their feelings.

Councilman Wiktor thanked the residents for attending this evening and helping the Town Board help them with the budget.

Councilman Wiktor reported that he and Highway Superintendent Kreitzbender met with representatives of the State Police and Sheriff's Department to initiate discussions on the yearly problem of residents plowing snow on the roadways. It is a problem for the Highway Department. Offences for plowing snow in roadways will be advertised in the media.

Councilman Simmeth reported that it was brought to his attention by Highway Superintendent Kreitzbender and residents that the Hickory Meadow subdivision is without streetlights. NYSEG representative James Latello has given the town a street light proposal for Hickory Meadows.

Councilman Simmeth told the Dog Control Officers to keep up the good work because he called Dog Control Officer Waszak today regarding a dog running loose in his neighborhood and the dog was picked up within the hour.

Councilman Hawkins thanked the residents for attending tonight noting that it is a difficult time when taxes are going up and everyone wants them as low as possible.

Councilman Hawkins congratulated the newly elected officials noting that Councilman-elect Hopkins is in attendance and hopefully we can all work together to help the community.

Councilman Hawkins reported that the Boston Fire Company received a FEMA grant of \$57,600 for updating their equipment and training.

Supervisor Eagan congratulated Councilman Mead, Highway Superintendent Kreitzbender and Councilman-elect Hopkins.

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

KAREN A. ELLIS, DEPUTY TOWN CLERK