

Town Board Minutes November 6, 2002

REGULAR TOWN BOARD MEETING TOWN HALL

NOVEMBER 6, 2002 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Thomas A. Edington, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor William A. Eagan, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

Received notification from Erie County Department of Environment & Planning of approval of the documents seeking re-designation as an Urban County, which will guarantee status as an entitlement community through 2005.

RESOLUTION 2002-52 AUTHORIZATION TO SIGN THE
CDBG COOPERATION AGREEMENT

A motion was made by Councilman Mead and seconded by Supervisor Eagan to refer a site plan amendment, to include expansion of a parking lot for the Three Girls Café, 8373 Boston State Road, to the Planning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to adopt minutes of the October 16, 2002 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Edington, upon review by the Town Board, that fund bills on Abstract #11, dated November 6, 2002 in the amount of \$100,733.14 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff's Report for September 2002.

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to refer to the Traffic and Safety Committee, six letters received from residents requesting a speed limit reduction on Chestnut Ridge Road.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Edington to schedule the year-end meeting for December 30, 2002 at 4:00 p.m.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Eagan to renew a consulting service contract with H&V Risk Consultants, LLC, term 12/31/02 to 12/31/05.

five (5) Ayes Carried

RESOLUTION 2002-50 UNPAID BILLS

A motion was made by Councilman Mead and seconded by Councilman Edington to schedule a Public Hearing for 12/4/02 at 7:40 p.m. for proposed Local Law No. 6 of the Year 2002, to amend Local Law No. 6-1990, regarding late filing fees for permits.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to table a decision on updating the Town Hall phone system.

five (5) Ayes Carried

REGULAR TOWN BOARD MEETING TOWN HALL

NOVEMBER 6, 2002 7:30 P.M.

An application for a Soil Removal permit was received from Roy and Pearl Emerling for the Hickory Meadows Subdivision.

Town Attorney Perley noted that Buffalo Creek Inc., construction contractor for Hickory Meadows Subdivision, has agreed to leave sufficient soil for finishing grades and the project is subject to continuing observation by the Code Enforcement Officer.

A motion was made by Councilman Mead and seconded by Councilman Edington to approve the application for a Soil Removal Permit for the Hickory Meadows Subdivision, contingent upon sufficient soil remaining on location for final grading of lots and subject to continuing observation by the Code Enforcement Officer.

five (5) Ayes Carried

Southtowns Meals on Wheels is revising the van application submitted November 2001 for CDBG funding in 2002-2003 and a new application must be submitted.

RESOLUTION 2002-51 COMMUNITY DEVELOPMENT BLOCK GRANT

S.M.O.W., GRANT AMENDMENT

At 7:45 p.m. a Public Hearing
was held to review the 2003
Preliminary Budget and hear
public comments.

Supervisor Eagan read the
legal notice.

Herb Klein, 7690 Back Creek Rd:

I am here on behalf of our
Holiday Lighting Committee that
depends on volunteers quite
contrary to the Village
of Springville that utilizes
their village employees. We
have a need for bucket trucks.

I received a call from a
local resident who was willing
to offer his bucket truck
but has a disagreement with the
town and refuses to help us. It
takes three or four bucket trucks

to do this work. I read in the paper that you have a surplus of money and I ask that you appropriate \$3,000 to the Holiday Lighting Committee in case we need to rent a bucket truck.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to close the Public Hearing at 7:48 p.m.

five (5) Ayes Carried

Received a request from Justices Bender and Tills to amend the 2003 Preliminary Justice Budget to reflect a change in the Justice's salary from 9% to 3%.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to amend the 2003 Preliminary Justice Budget, A1110.1, to reflect a change in the Justice's salary from \$13,000 to \$12,580.

five (5) Ayes Carried

REGULAR TOWN BOARD MEETING TOWN HALL

NOVEMBER 6, 2002 7:30 P.M.

A motion was made by Councilman Mead and seconded by Councilman Wiktor that the 2003 Water District #3 Preliminary Budget be revised as follows:

From:

Appropriations 132,272.00

Less Estimated Revenue 00.00

Less Unexpended Balance 00.00

Amount to be Raised by Taxes 132,272.00

To:

Appropriations 115,272.00

Less Estimated Revenue 22,000.00

Less Unexpended Balance 00.00

Amount to be Raised by Taxes 93,272.00

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan to amend the 2003 Preliminary Attorney Budget contractual from \$1,500 to \$3,000 and amend personal services from \$35,665 to \$36,755 to reflect a 3% salary increase for the Town Attorney and Deputy Town Attorney.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan to amend the 2003 Preliminary General Fund Contingent Budget, A1990.4, from \$25,000 to \$45,000.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan to adopt the revisions in the October 16, 2002 Memo from the Supervisor.

five (5) Ayes Carried

The \$3,000 request for the Holiday Lighting Committee will be appropriated in 2002 if needed.

A motion was made by Councilman Simmeth and seconded by Councilman Mead that the 2003 General Fund Budget be approved as follows:

Appropriations 1,376,337.00
Less Estimated Revenue 754,600.00
Less Unexpended Balance 454,750.00
Amount to be Raised by Taxes 166,987.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington that the 2003 Highway Fund Budget be approved as follows:

Appropriations 1,017,063.00
Less Estimated Revenue 436,021.00
Less Unexpended Balance 20,000.00
Amount to be Raised by Taxes 561,042.00

five (5) Ayes Carried

A motion was made by Councilman Edington and seconded by Councilman Wiktor that the 2003 Fire Protection Budget be approved as follows:

Appropriations 632,000.00

Less Estimated Revenue 00.00
Less Unexpended Balance 40,000.00
Amount to be Raised by Taxes 592,000.00

five (5) Ayes Carried

REGULAR TOWN BOARD MEETING TOWN HALL

NOVEMBER 6, 2002 7:30 P.M.

A motion was made by Councilman Simmeth and seconded by Councilman Edington that the 2003 Light District Budget be approved as follows:

Appropriations 25,000.00
Less Estimated Revenue 00.00
Less Unexpended Balance 00.00
Amount to be Raised by Taxes 25,000.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington that the 2003 Ambulance Budget be approved as follows:

Appropriations 103,026.00
Less Estimated Revenue 00.00
Less Unexpended Balance 10,000.00

Amount to be Raised by Taxes 93,026.00

five (5) Ayes Carried

A motion was made by Councilman Edington and seconded by Councilman Wiktor that the 2003 Refuse and Garbage Budget be approved as follows:

Appropriations 360,000.00

Less Estimated Revenue 00.00

Less Unexpended Balance 46,830.00

Amount to be Raised by Taxes 313,170.00

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor that the 2003 Water District #1 Budget be approved as follows:

Appropriations 70,997.00

Less Estimated Revenue 00.00

Less Unexpended Balance 10,000.00

Amount to be Raised by Taxes 60,997.00

five (5) Ayes Carried

A motion was made by Councilman Edington and seconded Councilman Simmeth that the 2003 Water District #2 Budget be approved as follows:

Appropriations 50,200.00
Less Estimated Revenue 00.00
Less Unexpended Balance 10,000.00
Amount to be Raised by Taxes 40,200.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the 2003 Water District #1 Extension #1 Budget be approved as follows:

Appropriations 7,753.00
Less Estimated Revenue 00.00
Less Unexpended Balance 00.00
Amount to be Raised by Taxes 7,753.00

five (5) Ayes Carried

REGULAR TOWN BOARD MEETING TOWN HALL

NOVEMBER 6, 2002 7:30 P.M.

A motion was made by Councilman Edington and seconded by Councilman Simmeth that the 2003 Water District #2 Extension #2 Budget be approved as follows:

Appropriations 32,026.00

Less Estimated Revenue 00.00
Less Unexpended Balance 00.00
Amount to be Raised by Taxes 32,026.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington that the 2003 Water District #3 Budget be approved as follows:

Appropriations 115,272.00
Less Estimated Revenue 22,000.00
Less Unexpended Balance 00.00
Amount to be Raised by Taxes 93,272.00

five (5) Ayes Carried

Town Clerk Shenk read the 2003 Budget totals:

Appropriations 3,789,674.00
Less Estimated Revenue 1,212,621.00
Less Unexpended Balance 591,580.00 Amount to be Raised by Taxes 1,985,473.00

A motion was made by Councilman Wiktor and seconded by Councilman Edington that the 2003 schedule of salaries for the elected Town Officials be approved as follows:

Supervisor 27,470.00

Councilman 7,325.00
Councilman 7,325.00
Councilman 7,325.00
Councilman 7,325.00
Town Clerk 39,000.00
Town Justice 12,580.00
Town Justice 12,580.00
Superintendent of Highways 41,774.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to schedule a Bid Opening for the Traffic Signal Installation Project at the intersection of Boston State/Boston Colden/West Tillen Roads in the Town of Boston for November 18, 2002 at 11:00 a.m.

five (5) Ayes Carried

Supervisor Eagan commented that the Town Board worked very hard on pursuing a traffic signal for the intersection of Boston State/Boston Colden/West Tillen Roads. The project is moving forward and construction will begin following the bid process.

RESOLUTION 2002-53 ESTABLISHING A CAPITAL RESERVE FUND FOR
DEVELOPMENT OF FACILITIES FOR THE SENIOR
CITIZENS OF THE TOWN OF BOSTON UNDER SECTION 6-C OF THE GENERAL MUNICIPAL LAW

RESOLUTION 2002-54 ESTABLISHING THE CONTINGENT AND TAX STABILIZATION

RESERVE FUND OF THE TOWN OF BOSTON UNDER SECTION 6-E OF THE GENERAL MUNICIPAL LAW

REGULAR TOWN BOARD MEETING TOWN HALL

NOVEMBER 6, 2002 7:30 P.M.

The bid opening for the Eighteen-Mile Creek Stabilization Project, Contract No. 5 was held on October 31, 2002 at 10:00 a.m. The following bids were received, opened and read aloud:

COMPANY	PRICE PER UNIT
UCC Construction, Inc.	\$115,550.00*
Custom Topsoil, Inc.	\$136,465.00
S. St. George Enterprises Gen. Cont.	\$151,300.00
D&H Excavating, Inc.	\$151,350.00
Pinto Construction Services, Inc.	\$152,675.00
L.D.C. Construction, Inc.	\$157,365.00
Buffalo Creek, Inc.	\$164,145.00
Eastwood Industries, Inc.	\$166,200.00
Omer Construction, Inc.	\$184,982.50
Tom Greenauer Development, Inc.	\$189,150.00
Eastern Summit Development, Inc.	\$190,671.22*
Kandey Company, Inc.	\$193,750.00
Nichols, Long & Moore Construction Inc.	\$198,950.00
Donald J. Braasch Construction Corp.	\$202,250.00
L.W. Parker Enterprises, Inc.	\$224,765.00

There were mathematical errors in the bids received from

UCC Constructors, Inc. (\$115,504.00) and Eastern Summit Development, Inc. (\$190,771.22) however, the errors did not affect the determination of the low bidder. The Town Engineer has assured that the low bidder was advised of the error and is in agreement with the correct number for the bid and will supply a performance bond.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of R & D Engineering, to award the contract for the Eighteen Mile Creek Bank Stabilization Project, Contract No. 5, to UCC Construction, Inc. for \$115,550.00.

five (5) Ayes Carried

An application for a Soil Removal permit was received from Greg Gerwitz for Back Creek Road.

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan, on the recommendation of the Code Enforcement Officer and the Town Engineer, to approve the application for a Soil Removal Permit for Greg Gerwitz, Back Creek Road.

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor Eagan reported that he received a request from Larry Reed, Empire State Games Cycling Road Course, to hold a bike race in the Town of Boston.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to refer the request of Empire State Games Cycling Road Course to hold a bike race in the Town of Boston to the Traffic and Safety Committee for review and recommendation.

five (5) Ayes Carried

Supervisor Eagan thanked the Board Members, Highway Superintendent Kreitzbender, TVGA Engineering and Erie County for working diligently to move the traffic signal project at Boston State/Boston Cross/West Tillen Road forward. Supervisor Eagan requested funds from Assemblyman Smith and noted that the NYS DOT will contribute some materials, which will provide a cost savings for the project.

REGULAR TOWN BOARD MEETING TOWN HALL

NOVEMBER 6, 2002 7:30 P.M.

TOWN CLERK REPORT

Town Clerk Shenk received notification from Erie County Department of Personnel of an amendment to Civil Service Law that grants additional examination credit to children of firefighters and police officers killed in the line of duty.

Town Clerk Shenk reported that first come first served Deer Management Permits went on sale today, November 6, 2002 and will be on sale until supplies are exhausted.

Town Clerk Shenk announced that flu shots will be available in the Town Hall on Friday, November 15, 2002 from 10:00 AM. to 2:00 PM.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the final brush pick-up for 2002 has been completed.

Highway Superintendent Kreitzbender reported that money was targeted for the 2002 Road Rehabilitation Program. Belcher Road, Butternut, Polish Hill, and Ursula Lane, for a total of .89 miles, was done with the town paver. Custom Kote was contracted through a county bid to do Chestnut Lane, Crestwood Circle, Deanna Drive, Hillcrest Drive, Hillside Drive, LuDon Drive, May Drive, Valley View Lane, and Woodlee Court, for a total of 1.74 miles. Gernatt Paving was contracted on a county bid for Patchin Road, and Hillcroft West from Back Creek Road to Mead Lane, a total of .52 miles. Cold mixed was contracted with Suit-Kote on Keller Road, Rockwood Road was ground, a base put in, and cold mixed, Enser Road and a portion of Dunn Road for a total of 4.51 miles. Liebler Road, Mill Street, Keller Road, Rockwood Road, and Heinrich Road for a total of 5.41 miles was micro-sealed. In 2002 a total of 13.07 miles, or 26.14 lane miles, of road was done by the Highway Department under the road bond. Only the shoulders remain on subdivision roads off Chestnut Ridge Road, which will be done next week.

TOWN ATTORNEY PERLEY

Town Attorney Perley noted that on September 4, 2002 the Town Board granted Gerald Mazur, 6449 Willow Drive, sixty days to remove a deck from his property. The Deputy Code Enforcement Officer reported that the deck has not been removed so, in consultation with the Town Engineer, specifications will be prepared for removal of the deck by a contractor.

Town Attorney Perley commented that the NYS Legislature passed a law sponsored by Senator Volker, Section 446C of the Real Property Tax Law, effective 1/1/03, pertaining to a reduction in assessments for firefighters currently serving and retired. Documents will be prepared for Town Board consideration in 2003.

COUNCILMAN REPORT

Councilman Mead reported that he attended a Southtowns Planning and Development Group meeting October 28, 2002. Chet Jandinski, Erie County Department of Environment and Planning, has retired. Councilman Mead thanked him for his support over the years and noted that he will be missed. He was a great addition to the Department who lobbied to the Association of Towns on many issues.

Councilman Wiktor reported that he attended the Boston Fire Company Installation on October 19, 2002. Firematic Officers and Company Officers were installed. The top ten achievers for the year were

William Kester, Sheri Theil, Debi Theil, Mike McCloud, Rueben Bugenhagen, Nelson Theil, Edward Kane, Russell Metcalf, Ken Thiel and Fran Thiel. Robert Kester was honored for fifty years in the fire company.

REGULAR TOWN BOARD MEETING TOWN HALL

NOVEMBER 6, 2002 7:30 P.M.

COUNCILMAN REPORT (CONT.):

Councilman Wiktor received a call from Dean Messing regarding a meeting of the All Hazard Mitigation Planning Committee meeting on November 13, 2002 at the Armor Volunteer Fire Company. This meeting is in conjunction with the Task Force meeting recently held in Batavia on regional aspects of fighting terrorism.

Councilman Simmeth reported that he will work on a resolution regarding the six letters received from residents requesting a speed limit reduction on Chestnut Ridge Road. The NYS Police and the Erie County Sheriff's Department have been notified to enforce the posted speed limit.

Councilman Edington received a request from the Holiday Lighting Committee to utilize the Highway Department for help with the holiday decorations.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to authorize the Highway Department to offer assistance to the Holiday Lighting Committee.

five (5) Ayes Carried

Received and filed the Code Enforcement Officers monthly reports for October 2002.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adjourn the meeting at 8:32 p.m.

DAVID J. SHENK, TOWN CLERK