

Town Board Minutes October 1, 2003

REGULAR TOWN BOARD MEETING TOWN HALL

OCTOBER 1, 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.

Supervisor Eagan announced that in accordance with Town Law, he, along with the Budget Director, submitted a timely tentative budget to the Town Clerk on September 30, 2003.

Supervisor Eagan read the 2004 Preliminary Budget Summary:

As a Board we are about to act on a motion to accept the filing of a tentative budget. However, before we take such action I would like to commend our Budget Director Kathy Selby, for an outstanding job along with Councilman Hawkins, Mead and Wiktor for their help in the budget process as well. Their contributions made a difference. Councilman Simmeth unfortunately was at work and his schedule prohibited him from attending. I am sure he will make his contributions as we move on with further review. When budget requests and other expenses were first calculated we were looking at a rate of \$1.16 per thousand in the General Fund which was up from \$.66 in the current year and as much as \$3.40 per thousand in our Highway Department which was up from \$2.22 per year. We had a long review process and interviews with many Department Heads as well as a budget work session with the Board members. Kathy and I took the information and suggestions stemming from those interviews and the work session with the Councilman to present a budget that reflects the following: General Fund rate of \$.76 per thousand vs. the rate of \$1.16 which was first calculated. Highway Fund rate of \$2.98 per thousand vs. \$3.40. We must note that the Highway rate should be considered tentative because we are still in labor negotiations and we are not sure what affect that would have on the Highway overall budget. As far as the Special District charges, with few exceptions, those rates remain relatively the same. It is important to note that for us to reach a lower rate than was first projected it was necessary to cut funding for equipment and contractual in nearly every department by at least 10%. For the

second year in a row I reduced the Supervisor's equipment and contractual, this time by 18%. With the exception of the Highway Department, no elected official is receiving a raise. No department will escape the budget cuts necessitated by the various increases the town is faced with in 2004. Overall, this budget reflects a projected increase in General Fund expenses or appropriations, whichever you prefer to call it, of 2%. With Highway expenses projected at an increase of 18%. I call to your attention again that the increase in Highway stems from an increased debt service due to a long overdue replacement of some very old equipment and even older trucks. Overall, the budget reflects some very extreme increases; fuel costs, utility costs such as gas, electric and phone. Health care coverage is up 15%, other insurance coverage is up 15%. One of the biggest contributors to our overall budget dilemma is the NYS Retirement contribution which is up 300% from this year. This expenditure is a major contributing cost factor to our budget. The amount we pay is based on employee earnings, which the State then uses to calculate our share of the contribution. We as a Board, as a team, cannot control these costs. I wish to point out that my administration has worked very hard to put in place good financial management techniques. The Department budgets and expenditures are being monitored on a regular basis as part of this administration policy to assure sound fiscal management. Unfortunately, no matter how hard anyone tries, we do not control costs in areas such as insurance, health care, utilities and fuel, no more than we control the expenditures of our school districts.

REGULAR TOWN BOARD MEETING TOWN HALL

OCTOBER 1, 2003 7:30 P.M.

Supervisor Eagan ? 2004 Preliminary Budget Summary (cont.):

There is not a department head or employee who has not heard me say at least once, that we are not here to spend our budgets but rather to manage the money of the community. We should never say that we are managing money as if it were our own. I would prefer to say we are managing it in trust for the people of the community we represent. In closing again I would like to thank everyone for their input and Kathy for a job well done.

Supervisor Eagan presented the 2004 Preliminary Budget.

A motion was made by Councilman Mead and seconded by Councilman Hawkins that the 2004 General Fund Preliminary Budget be approved as follows:

Appropriations 1,406,210.00
Less Estimated Revenue-726,600.00
Less Unexpended Balance 485,000.00
Amount to be Raised by Taxes 194,610.00
five (5) Ayes Carried

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

Appropriations 1,205,224.00
Less Estimated Revenue-408,000.00
Less Unexpended Balance 30,000.00
Amount to be Raised by Taxes 767,224.00
five (5) Ayes Carried

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

Appropriations 641,700.00
Less Estimated Revenue00.00
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 Wiktor and seconded by Councilman Mead that the 2004 Light District Preliminary 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 Simmeth that the 2004 Ambulance Preliminary 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

REGULAR TOWN BOARD MEETING TOWN HALL
OCTOBER 1, 2003 7:30 P.M.

2004 Preliminary Budget (cont.):

A motion was made by Councilman Mead and seconded by Councilman Hawkins that the 2004 Refuse and Garbage Preliminary 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

A motion was made by Councilman Hawkins and seconded by Councilman Wiktor that the 2004 Water District #1 Preliminary 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 Simmeth that the 2004 Water District #2 Preliminary 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 Preliminary 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 Hawkins and seconded by Councilman Mead that the 2004 Water District #2 Extension #2 Preliminary 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 Mead and seconded by Councilman Hawkins that the 2004 Water District #3 Preliminary 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

REGULAR TOWN BOARD MEETING TOWN HALL
OCTOBER 1, 2003 7:30 P.M.

2004 Preliminary Budget (cont.):

Deputy Town Clerk Ellis read the 2004 Preliminary Budget totals:

Appropriations 3,995,220.00
Less Estimated Revenue-1,150,600.00
Less Unexpended Balance 576,812.00 Amount to be Raised by Taxes 2,267,808.00

A motion was made by Supervisor Eagan and seconded by Councilman Mead that the 2004 schedule of proposed 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	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 Councilman Mead and seconded by Councilman Wiktor to adopt the 2004 Preliminary Budget.

five (5) Ayes Carried

Supervisor Eagan commented that it seems when the budget is reported, the news refers to "spending going up". These are appropriations, they are estimates. These are estimated costs of operation. The increase overall for the town is about 5½% of estimated costs, not spending for the record.

A Public Hearing was held
at 7:45 p.m. to consider the
application of Wireless Solutions
LLC, for AT&T Wireless to co-locate
on the telecommunication tower at
6405 Ward Road.

A motion was made by Councilman
Hawkins and seconded by Councilman
Simmeth to open the Public Hearing

at 7:45 p.m.

five (5) Ayes Carried

Melissa Nickson, Attorney with

Phillips & Lytle: As you know AT&T

is seeking a telecommunication

facilities permit for the tower

at 6405 Ward Road. They would like to place up to six panel antennas. It is an existing 250 foot tower. We would like to go at a center line height of 200 feet and then to install a six foot by ten foot concrete pad at the base within the fenced in compound upon which up to two equipment cabinets would be placed. I believe in April there was an application package submitted with a lot of materials attached inc. the application, drawings, RF plots, FCC License and EAF Structural etc. I have with me tonight the revised drawings and revised RF plots. They should have been submitted and I saw a letter in the file that they were submitted by mail prior to tonight but I do have extra copies in case anyone wants them. There is also a draft Negative Declaration although it appears to me that your engineer has already indicated that there is no significant environmental impact. I do believe your Planning Board has approved as has your Town Engineer.

REGULAR TOWN BOARD MEETING TOWN HALL

OCTOBER 1, 2003 7:30 P.M.

Supervisor Eagan read the legal notice.

Councilman Hawkins: Is this antenna going to affect any of the fire companies? They were concerned because there were a lot of dead spots in the area where they are telephoning back and forth.

Melissa Nickson: Are you asking negatively or positively? It should affect positively because anytime a new carrier goes on you get enhanced 911 facilities that is required by our federal license. I was not aware that there was any question about that. I am not sure they would have brought it to my attention if there was going to be an issue. I think that is why the MPE study was also submitted, to establish that there wouldn't be any negative interference.

Councilman Simmeth: On the Planning Board recommendation it requests that the Town Clerk's office verify all existing co-locations on the tower. Is that being done?

Deputy Town Clerk Ellis: We are still working on that but that hasn't got anything to do with this Public Hearing. That was a separate request by the Planning Board.

Councilman Simmeth: As far as this application is concerned it is all in order and we have the check etc?

Deputy Town Clerk Ellis: Yes.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to close the Public Hearing at 8:01 p.m.

five (5) Ayes

Received a Planning Board recommendation of approval of the co-location application submitted by AT&T Wireless.

A motion was made by Councilman Mead and seconded by Supervisor Eagan Simmeth to approve the application submitted by AT&T Wireless for co-location to the telecommunication tower at 6405 Ward Road.

five (5) Ayes

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to adopt the minutes of the September 17, 2003 regular meeting.

five (5) Ayes

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board, that the fund bills on Abstract #10, dated October 1, 2003, in the amount of \$224,893.84 be paid.

five (5) Ayes

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

Received and filed notification from NYS Emergency Management Office (FEMA) of approval of the Highway Department request for a time extension for Project Worksheet (PW) 1417 regarding the riprap, until December 31, 2003.

Highway Superintendent Kreitzbender noted that Grants Consultant Connie Miner was able to obtain the extension from FEMA so that the Highway Department can go the furthest amount of footage in the creek. The project is set to begin the week after next.

REGULAR TOWN BOARD MEETING TOWN HALL

OCTOBER 1, 2003 7:30 P.M.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to authorize the time extension from FEMA for the riprap project until December 31, 2003.

five (5) Ayes

A motion was made by Councilman Mead and seconded by Councilman Hawkins to authorize the Town Clerk to advertise for bids for the new concession stand and storage facility in the Boston Town Park.

five (5) Ayes

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to schedule a Public Hearing for October 15, 2003 at 7:50 P.M. on the Order Calling for an Increase in the Maximum Amount to be Expended in Water District No. 3.

five (5) Ayes

SUPERVISOR REPORT

Supervisor Eagan announced that the Boston Little Loop Football League had a fund raiser on Sunday, September 28, 2003 at the Patchin Fire Hall to raise funds for lights to enable them to practice during evening hours. The event was well attended and their goal was reached.

Supervisor Eagan reported that there is a traffic safety issue concerning the Boston State/Boston Colden intersection. The Town Board was successful in having a signal installed at the intersection. Erie County does not include any provision to remove a crest from the road south of the intersection in the scope of the Boston State Road Construction Project. The county is well aware of a June 2002 study titled "The Highway Safety Investigation Report" that clearly addresses the issue of a crest vertical curve on the south leg of the intersection. The study states, "there are no apparent site distance issues as related to intersection geometry, access signage or other obstructions however, there is a crest vertical curve on the south leg of the intersection which limits ability of motorists to see oncoming traffic as they approach the Boston State Road/Boston Colden Road intersection. The site distance measurements indicate that the crest vertical curve on the south approach limited stopping site distance 550 feet prior to the intersection. For vehicles pulling out of Boston Colden Road the intersection site distance is limited to 480 feet looking south. Though there were twelve accidents over 53 months the accident rate of the subject intersection is approximately 3.6 times the rate of similar intersections within the state. At the intersection five out of six accidents involve Boston Colden Road and of those three, six involved collisions between a north bound and a west bound vehicle." Northbound meaning that crest was involved in a site problem. Also stated "however it is clear there are site problem distances just south of the intersection on Boston State Road. To address the problem with intersection site distance it is recommended that the profile of Boston State Road be lowered to improve the site distance for the vehicle pulling out of Boston Colden Road".

Supervisor Eagan: I have a report from a recent accident that took place this past June. The police report states that a northbound vehicle (again coming from the Colden area) was in a collision from a car pulling out from West Tillen. Again this shows that the crest is creating a site problem at that intersection. With all the work that the Town Board did to make the people aware of that intersection, for the County not to follow through on their promises is appalling. I think every effort should be made by this Board to ask the County to live up to their promise. I have a letter from March 12, 2002 from

REGULAR TOWN BOARD MEETING TOWN HALL

OCTOBER 1, 2003 7:30 P.M.

SUPERVISOR REPORT (CONT.):

Charles Sickler, Director of Engineering, stating that they will review the roadway profile along Boston State Road, south of the intersection, to see if any changes would be warranted. This report justifies it is warranted. I think we should send a message to the County and maybe reconsider if we should be plowing any of their roads.

Highway Superintendent Kreitzbender: I have tried getting in touch with several County Officials but I have not spoke to anyone at the County level about this. I presented the Town Board with a letter I sent to the County asking them to keep their promise.

Councilman Hawkins: The County is working on Boston State Road now so it would be the perfect time to grind the crest down before applying the surface. I will make a recommendation that this Town Board would appreciate them following through with the recommendations they gave to lower that grade or we are not plowing any of their roads or maybe not doing Omphalius Road.

Highway Superintendent Kreitzbender noted that we have already given up Omphalius Road with the agreement that we would take it back if they resurfaced it. If the Town Board decides tonight not to plow the rest of the County roads, he must do them for the next thirty days because we are under legal contract.

Supervisor Eagan: You said that we made an agreement to take Omphalius Road back. They made an agreement to get rid of that crest. Lets modify the motion to state that the Town Board authorizes the

Highway Superintendent to inform the County Highway Department that the Town Board wishes to cease any plowing of Omphalius Road as of November 1st if this issue of the crest is not resolved.

Highway Superintendent Kreitzbender noted that the County already has that letter as of a month ago. We are not doing Omphalius Road at this point. We have not taken it back because they have not completed any paving down the hill.

Supervisor Eagan: Then lets revert to Councilman Hawkins suggestion to inform the county that we are not plowing the roads unless they guarantee that crest is taken care of.

Councilman Simmeth: Before we do anymore paving work why don?t we find out what is going on? I?ll call the county.

Supervisor Eagan noted for the record that efforts have been made to contact the County.

Councilman Wiktor suggested that since the Highway Superintendent has sent a letter to the Town Board, with copies to the Commissioner and Legislator Chase regarding this matter, we wait until we get a response before we take action. Because the County is doing something wrong, if we do something wrong it doesn?t make it right on our part.

Highway Superintendent Kreitzbender: I will also ask Legislator Chase if the County could move that construction sign when you

are looking south, that blocks vision.

Supervisor Eagan noted that on Councilman Wiktor?s point that two wrongs don?t make a right, anything we have had done in the last fourteen months with the County we have had to get aggressive to get them off the mark. The County should have felt an obligation to fulfill their promise to this community and abide by the report and the conditions. The crest is the only piece of the puzzle concerning that hazardous intersection that hasn?t been

REGULAR TOWN BOARD MEETING TOWN HALL

OCTOBER 1, 2003 7:30 P.M.

SUPERVISOR REPORT (CONT.):

Supervisor Eagan (cont.): addressed. We have had one accident reported since that light has been in. Just imagine the accidents that could've been avoided if the light was there five or ten years ago. If we don't have an answer from the County by our next meeting I am expecting this Board, as a team, to send a strong message and put them on thirty-day notice that we are not plowing their roads.

Councilman Hawkins commented that he will withdraw his recommendation until the next meeting.

TOWN CLERK REPORT

Deputy Town Clerk Ellis announced that today is the last day for the doe permits and if anyone hasn't gotten theirs yet she will be happy to open the Town Clerk's office after the meeting.

Deputy Town Clerk Ellis announced that Flu shots will be given at the Boston Town Hall on October 21, 2003 from 9:00 a.m. to 12:00 noon. Posters are on the bulletin board.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender thanked Bookkeeper Katy Selby for her help with the 2004 Highway Budget.

Highway Superintendent Kreitzbender reported that he will send a thank you letter to NYSEG not only for their donation of a pole but for their removal of the old pole and installation of a new pole at the North Boston Park.

Highway Superintendent Kreitzbender announced there will be a Traffic Safety Committee Meeting with Trooper John McGee and a representative from the Sheriff's Department to enlist their help with snow

being pushed across the roads. In 1999 a Local Law was passed which aids police enforcement. A summons can be issued by police and our Code Enforcement Officers.

TOWN ATTORNEY REPORT

Town Attorney Vacco requested that the Town Board authorize her to commence with Eminent Domain proceedings. She and the previous Town Attorney have been unsuccessful in obtaining the two remaining easements, one on Lower East Hill Road and one on Wohlhueter Road for the Water District #3 project.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to authorize Town Attorney Vacco to commence with Eminent Domain proceedings as it relates to the two remaining properties, on Lower East Hill and Wohlhueter Roads in Water District #3.

five (5) Ayes Carried

COUNCILMAN REPORT

RESOLUTION 2003-26 A RESOLUTION AUTHORIZING THE TOWN OF BOSTON TO ENTER INTO AN INFORMAL MUNICIPAL AGREEMENT ASSISTING THE TOWN OF ORCHARD PARK MAINTAINING ROUTE 219 AS A SCENIC HIGHWAY

Councilman Simmeth thanked Bookkeeper Kathy Selby for her work on the 2004 budget.

Councilman Hawkins thanked Bookkeeper Kathy Selby and Supervisor Eagan for a fine job on the 2004 budget.

REGULAR TOWN BOARD MEETING TOWN HALL

OCTOBER 1, 2003 7:30 P.M.

COUNCILMAN REPORT (cont.):

Councilman Hawkins reported that there was a complaint that when the attendance at the Patchin Fire Company bingo games falls below 120 people, prizes are reduced. Councilman Hawkins provided the Deputy Town Clerk with a copy of an application to amend a bingo license signed 12/2/02 by Town Clerk Sherk stating that any night attendance falls below 120 people prizes may be reduced. Anyone with questions may contact the Town Clerk.

Received and filed the Code Enforcement Officers monthly reports for September 2003.

Received and filed Recreation Department monthly financial report for June-August 2003.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to adjourn the meeting at 8:25 p.m.

KAREN A. ELLIS, DEPUTY TOWN CLERK