

Town Board Minutes October 15, 2003

REGULAR BOARD MEETING TOWN HALL

OCTOBER 15, 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.

Florence Wendling, St. John the Baptist R. C. Church, opened the meeting with a prayer.

Regarding a motion to accept the minutes of the Regular Meeting on October 1, 2003:

Councilman Hawkins: At the October 1, 2003 Town Board meeting Councilmen Simmeth and Wiktor proposed Resolution 2003-26, authorizing the Town of Boston to commit \$5,000 to the Town of Orchard Park to assist with legal fees associated with a lawsuit to stop the installation of billboards along Route 219. I am not against stopping the installation of billboards on the 219. I wish the commitment of \$5,000 of taxpayer money had been discussed prior to the Town Board meeting. I hope either Councilmen Simmeth or Wiktor could answer: we have asked every department to cut their 2004 budget 10%, how do we justify giving \$5,000 of taxpayer money to another town? How do we tell town employees that we can't justify the raises they would have liked because we are giving the money away? How do we tell the taxpayers that we are raising their taxes but we can still afford to give Orchard Park \$5,000? Where are we going to come up with the \$5,000 that is not in the 2004 budget? When this resolution was offered at the last minute I went along with everyone else but after two weeks of thinking about this I would like to change my vote on Resolution 2003-26 to a ?no?.

Councilman Wiktor: The Town of Orchard Park is alone in fighting the installation of billboards along US Route 219 and their legal fees are running in excess of \$70,000. Should Orchard Park continue to fight and win, the next venue for advertisers would be the Town of Boston. Is it easier for us to help Orchard Park with \$5,000 or to employ attorney fees running in excess of \$70,000 to fight the same problem that Orchard Park is fighting?

Councilman Hawkins: I feel whether Orchard Park wins or loses this battle it will come to Boston anyway because we are outside of Orchard Park's area. I am sure at that time Orchard Park is not going to come up with \$5,000, \$10,000 or \$20,000 to help the taxpayers of Boston when they didn't help us in a few other issues in the past.

Councilman Wiktor: You (Councilman Hawkins) are a member of the Scenic Highway Committee and the Orchard Park endeavor is not just limited to the Town of Orchard Park. It is being used for the entire scenic highway of Route 219.

Councilman Hawkins: I am not against the stopping of billboards on Route 219. I am against spending \$5,000 of taxpayer money.

Supervisor Eagan: I also voted for Resolution 2003-26. I know that Councilman Wiktor, prior to the meeting where we took action, announced that he was bringing up a resolution in support of Orchard Park but there was never mention of a monetary contribution. It is honorable that you suggest we do that but as the Chief Financial Officer I think someone should have brought it to my attention, at least to the entire Town Board, of the amount of money you were anticipating donating. After further consideration and upon hearing the outcries of the residents concerning the Preliminary Budget, it is hard pressed to justify to them, our department heads and everyone else that \$5,000 of the dollars we cut out of the proposed budget is now going to another community. I do not know if legally we can make such a contribution without proving that there is an immediate public benefit specific to the Town of Boston. Councilman Wiktor noted

OCTOBER 15, 2003 7:30 P.M.

Supervisor Eagan (cont.): that if Orchard Park wins their case on their own, the next stop is Boston. Whether we contribute or not, the next stop will probably be Boston because each community will probably be treated on its own merit. Last year the Town Board discussed new zoning ordinances to address this very issue. The Scenic Byway is a whole different issue and just happens to incorporate the billboard issue at the same time that Orchard Park has their problems. Let's not confuse the real intent of the Scenic Byway in saying that it is to encompass the non-existence of billboards, that just goes along with being designated as a scenic byway. I am not opposed to helping other communities. I think it would have been more professional on your part (Councilman Wiktor), as a long-standing member of this Board, if you advised the Town Board that there was a monetary amount before we passed the resolution. I am still wondering where we are going to get this money. I also make note that my vote is reversed. I would like to help Orchard Park but we have to help our own first.

Councilman Wiktor: Our intention was that an expenditure of \$5,000 to aid a lawsuit already in progress is a small investment as opposed to the Town of Boston assuming a new legal status by itself on this problem. After I read the resolution you (Supervisor Eagan) whole-heartedly agreed and the Citizen Newspaper quoted you as saying that you gave your blessing.

Supervisor Eagan: I did but then gave thought that we are cutting department budgets, personnel aren't getting the raises they deserve, we are in negotiations with our labor union and taxpayers are faced with a 19% increase in areas that we don't control. It's neighborly to do this but where is the money and is it legal?

Councilman Wiktor: I checked with counsel and it is legal. It is the same venue as the Town of Colden appropriating funds to the Town of Boston for the Water District extension.

Supervisor Eagan: No, because there is a direct public benefit. They are going to get water from us. What is Orchard Park's case going to do directly for us if they win? You said that if they go it alone and win, the next stop is Boston. Who is going to help us defend our case?

Councilman Wiktor: If they win their case there will be a precedent not to push the issue to other communities. It is cheaper for us to invest a small amount of money to help an endeavor that is going to protect our interests than us shouldering the whole burden. Where would we be able to come up with, as Orchard Park is estimating, hundreds of thousands of dollars?

Supervisor Eagan: If they win, every community would benefit because the precedent would be set. If they lose, they are going to be out whatever costs they expended. If we face legal consequences, we can't go on the same grounds as Orchard Park because the precedent is set. I commend you for being considerate to our neighboring town but I have a problem in that I had no conversation with you concerning dollars. Councilman Mead, did you have any conversation about the monetary effect before the last meeting?

Councilman Mead: I did not know the exact amount until the meeting but I did support the resolution.

Supervisor Eagan: Councilman Hawkins?

Councilman Hawkins: No I did not.

Supervisor Eagan: Councilman Simmeth?

Councilman Simmeth: Yes I did.

REGULAR BOARD MEETING TOWN HALL

OCTOBER 15, 2003 7:30 P.M.

Supervisor Eagan: It is not my intent to embarrass you. It is a question of where is the money? When we make a contribution of public funds there has to be an outright public benefit and I don't believe the Colden situation with the Water District is a prime example because that is blatantly obvious that they have a benefit from it. We have a budget with a 19% increase and are taking \$5,000 that we are saving and putting it somewhere else. We need to discuss this further.

Councilman Wiktor: I discussed this with counsel so I knew it was legal and correct. My endeavor was to be a good neighbor and help out a community that was eventually going to help us.

Councilman Hawkins: I don't think my lone vote is going to change the vote. We have agenda review meetings, we had a meeting the Friday and Monday night and before the meeting prior to the vote and nothing was brought up other than the resolution to aid Orchard Park. There was no mention of money. After considering this resolution, how do we ask the taxpayers to give \$5,000 to Orchard Park and then raise their taxes?

A motion was made by Councilman Mead and seconded by Supervisor Eagan, upon review by the Town Board, that the fund bills on Abstract #10A, dated October 15, 2003, in the amount of \$56,306.32 be paid.

five (5) Ayes Carried

Abstract 10A - Voucher # 760 is being tabled for further review.

Received and filed notification from James Frantz, Val-Lee Pizzeria & Restaurant, 8407 Boston State Road, of the filing of an application for a liquor license renewal.

REQUESTS FROM THE FLOOR

Deputy Town Clerk Ellis noted that there is a two-minute speaking limit.

Sheri Becker, 5290 Keller Road: I feel the taxes in this town are not fair and equitable. I got a 23% increase in my taxes because I live in the Town of Boston. The Hamburg Sun quoted the Supervisor as not being responsible for the increase but I dispute that. Yes, our taxes went up 9.5% in the Town of Eden but it is because of our low assessed values, (we have not had an assessment in twelve years), and because of the market values, which I was told by the Town that it had to do with the building boom that we had. We could have disputed those market values, but I don't have that information. I am formally requesting a re-valuation. Supervisor Eagan was upset about not being informed of the \$5,000 donation to Orchard Park and changed his vote. I am changing my vote because I was not informed that my taxes were going up 23%. I am requesting a re-val so that we are at 100% of assessed value. With values down we are losing STAR money and the decreased equalization rate causes the 23% tax increase.

Assessor Hornberger said we are supposed to have a meeting with the Office of Real Property. I have yet to hear anything about them coming to this community to explain to people that once they are at 100% assessment, it doesn't mean automatically their taxes are going to rise. It means everyone is going to pay his or her fair share. I got an increase of \$500. That is inexcusable, it is absurd and should never have happened. In my opinion, somebody wasn't doing his or her job. It definitely has to do with the way this town is assessing the homes in this area.

Supervisor Eagan: Assessor Hornberger is scheduling a meeting with Eden School officials. The bottom line is that if the Eden School District didn't raise the amount of money that they needed, taxes would not go up. As far as re-val goes, a third of the

REGULAR BOARD MEETING TOWN HALL

OCTOBER 15, 2003 7:30 P.M.

REQUESTS FROM THE FLOOR (CONT.):

Supervisor Eagan (cont.): taxes stay the same, a third go down, and a third go up. Do you know which group you are in? We do not tell the school districts how much money they need to raise. As for the equalization rate, I agree with you.

Sheri Becker: My taxes may go up but I believe they won't because

we are also being affected by the STAR Program. However what is fair is that everyone pays his or her fair share. When you are not assessed at 100% one person may be paying a lot more than a person that hasn't been assessed in twelve years.

Supervisor Eagan: Unless someone brings it to the attention of the Town Board, which you have, and the Assessor requests a meeting on that topic, we can't address that. We yield to the Town Assessor to tell us what is going on with assessments. The Assessor prepares the tax rolls which is what we use to work our budgets. I will be happy to go over what information I have with you, not to challenge your opinion, but to let you know what I know. The bottom line is that if your assessment hasn't changed and your school taxes went up, it is because the school district is raising more money.

Sheri Becker: When I voted on the school taxes they told me the total levy would be 9.5% I didn't expect to get the equalization rate that I did. I spent countless hours researching the effects of the equalization rate on taxes. Yes, I voted for 9.5%. Did I expect a 23% increase in the school taxes? Do I want to pay another 20% in property taxes? Absolutely not. That is a \$1,000 increase for me in one year. I don't know what is going on with the State increasing the retirement plan fees. That makes no sense to me when Hamburg isn't getting a 20% increase. Somewhere in our budget there is a big problem.

Supervisor Eagan: Every town is being faced with the same percentage increase for retirement costs. Dollars will be different because payrolls are different.

Sheri Becker: If they are all being applied the same does it make sense that we are going to have a 20% increase and Hamburg is going to have nothing? How do we address this issue of a re-val? Is it on the record?

Supervisor Eagan: It is on the record

and we will advise the Assessor to

review your request and we will take

a lead from her.

At 7:58 p.m. a Public Hearing
was held to hear public comments
regarding the use of Federal
Community Development Block
Grant Funds in the Town of Boston

Supervisor Eagan read the legal notice.

Andrew Hayes, 8081 Boston State Road:

What are the funds used for?

Supervisor Eagan: Last year we were
approved for a grant of \$90,000 for
riprap along the Irish Gulf Stream
where Wildwood Drive is involved
because there is a serious erosion
problem. There is a need for more
riprap along the Irish Gulf as there
is a threat to private and public
property. We need dollars from the

REGULAR BOARD MEETING TOWN HALL

OCTOBER 15, 2003 7:30 P.M.

Public Hearing (cont.):

Supervisor Eagan (cont.): CDBG funds to soften the blow on taxpayers. We are also requesting funds for the senior citizen center and the Rural Transit Program.

The CDBG funds requested are:

1st Priority ? Wildwood Drive Streambank Stabilization seeking \$90,000 in CDBG funds with a cash match of \$30,000 coming from Town's reserve fund.

2nd Priority ? Senior Center Construction Project seeking \$90,000 in CDBG funds with a cash match not to exceed \$40,663 using Senior Facility reserve fund.

3rd Priority ? Rural Transit Program.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to close the Public Hearing at 8:02 p.m.

five (5) Ayes Carried

Councilman Hawkins presented: RESOLUTION 2003-29 -
COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS FOR 2004-2005.

Councilman Simmeth: When did we discuss the Senior Citizen construction project? I was just given this tonight.

Supervisor Eagan: This agenda has been ready since Friday.

Councilman Simmeth: Did we have meetings on, \$40,000? \$90,000?

Supervisor Eagan: Yes, Wildwood Drive and the Senior Citizen Center were subjects we talked about. I set up a special fund last year for seed money to be used exclusively for the Senior Citizen Facility. This was put together by our Grant Writer, Connie Miner. Do you have an objection? We can strike it.

Councilman Simmeth: These are tight times. What if they say, "here is your \$90,000"? How are we going to build a Senior Facility for \$130,000? You are probably looking at a quarter of a million. Where are you going to get that money from?

Supervisor Eagan: If the \$90,000 is allotted to us, we then move to secure additional funding from Senator Volker, Assemblyman Smith or other funding. We are not building the day after we are approved for \$90,000.

Councilman Simmeth: It is my understanding that if you don't spend the money right away you lose it.

Supervisor Eagan: That is right but it allows us to apply for other grants to show that we have contributions from other sources, just like the soccer fields. We applied for funds for that project for two years in a row. These things take time. None of this was funded under the previous two administrations because sometimes we are not in the ballpark for getting the grades that we need to qualify for these funds. Last year was the first time in two or three years that we were approved for CDBG funds in the amount of \$90,000. We discussed the Senior Citizen Center in the past. This was in your agenda file on Friday. You could have brought it up sooner.

Councilman Simmeth: All I am asking is how many meetings have we had where we discussed spending this kind of money? We are not talking \$5,000 or \$10,000. We are talking serious coin here.

Supervisor Eagan: We haven't spent anything yet. Our Community Development Committee felt it necessary to pursue these funds.

REGULAR BOARD MEETING TOWN HALL

OCTOBER 15, 2003 7:30 P.M.

Public Hearing (cont.):

Councilman Simmeth: This Rural Transit program is a given every year. Why isn't it a 2nd priority and the seniors 3rd priority?

Councilman Mead: If there is a question about the resolution why don't we table it and discuss where the money is coming from?

Supervisor Eagan: There is a deadline for submitting this application. I will contact Grants Consultant Connie Miner. I will be calling a Special Meeting.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to table Resolution 2003-29, CDBG Requests for 2004-2005.

five (5) Ayes Carried

REQUESTS FROM THE FLOOR (CONT.):

Erie County Legislator Jeanie Chase: After going through the Town Board minutes that the town so kindly provides to me, I realized that another county project was of concern and a debate at the last Board meeting. I brought with me tonight a copy of the letter that was sent to Highway Superintendent Krietzbender dated October 7, 2003 and the letter sent to me today concerning Boston State Road, County Road 227 in the Town of Boston.

Legislator Chase read the letter sent to Highway Superintendent Krietzbender dated October 7, 2003 stating that the County will modify the profile of Boston State Road south of Boston Colden Road as requested.

Legislator Chase noted the work on the profile of Boston State Road south of Boston Colden Road is scheduled to be completed in the next two weeks.

RESOLUTION 2003-30 AUTHORIZING EMINENT DOMAIN PROCEEDINGS TO ACQUIRE TITLE FOR THE WATER LINE IN THE EAST HILL WATER DISTRICT NO. 3

Received a proposal from Daniel Spitzer, Attorney at Hodgson Russ LLP, to represent the Town of Boston regarding the Eminent Domain proceedings related to the East Hill Water District #3 project.

Town Attorney Vacco: Attorney Daniel Spitzer is extremely qualified and has worked with the Town of Boston on the Increase in the Maximum Application to the NYS Comptroller. It will be in the Town of Boston's best interest to utilize his services to obtain the easements as quickly as possible so that Rural Development has clean title and the contracts can proceed for the Water District #3 project.

Councilman Hawkins inquired if Mr. Spitzer indicated how long the Eminent Domain process would take?

Town Attorney Vacco: There is clearly a benefit to the community and the judge will see that and grant the taking. The Town of Boston will be able to give clean title to those parcels and move forward. The property owners state what they think their property is worth and an appraiser hired by the Town will put forth a value. This process takes a little longer but won't delay the installation of the water tank.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to appoint Daniel A. Spitzer, Hodgson Russ, Attorneys LLP, to represent the Town of Boston regarding Eminent Domain Proceedings?East Hill Water District #3, hourly rate of \$198.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

OCTOBER 15, 2003 7:30 P.M.

A motion was made by Councilman Wiktor and seconded by Councilman Mead, on the recommendation of Recreation Director Clesse, to appoint the following to the Friday Night Recreation Program, term effective immediately and to expire April 30, 2003:

NAME TITLE HRLY WAGE

Cynthia Edington Supervisor \$8.00

Lauren Forness Counselor \$6.50

Lindsay Guzzetta Counselor \$6.50

Stephanie Potteiger Counselor \$6.50

Andrew Lundberg Counselor \$6.50

Connor Reilly Counselor \$6.50

Casey Accordino Sub. Counselor \$6.50

Lesley Speich Sub. Counselor \$6.50

Rachel Williams Sub. Counselor \$6.50

five (5) Ayes Carried

Received a request from Boston Patriot Football and Cheerleading
for permission to use temporary lighting during practice. Liability Insurance is carried.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to grant Boston Patriot
Football and Cheerleading

permission to use temporary lighting during practice

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to schedule a Public
Hearing for the 2004 Preliminary Budget on November 5, 2003 at 7:45 p.m.

five (5) Ayes Carried

Received a bid withdrawal for the Water Line Extension on Shero Road from Slotman Plumbing and Heating Inc.

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to accept the bid withdrawal for the Water Line Extension on Shero Road from Slotman Plumbing and Heating Inc.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to award the bid for the Water Line Extension on Shero Road to Erie County Water Authority in the amount of \$14,740, with stipulation that testing/disinfection of pipes be performed.

five (5) Ayes Carried

Received and filed a response from Erie County regarding the Sight Distance Improvements South of Boston Colden Road as previously discussed by Erie County Legislator Jeannie Chase.

SUPERVISOR REPORT

A) The Supervisor's Financial Report for September 2003 was received and is on file in the Town Clerk's Office.

Supervisor Eagan noted that there was a flyer being distributed that states that the Town of Boston has \$10,000,000 in surplus funds and that is erroneous.

Supervisor Eagan: Regarding the Hillcroft Road/Boston Hills Subdivision, a.k.a. Polish Hill; this subdivision was built a few years back and there was controversy as to why it was not built to town specifications

and codes. A map plot was never filed with Erie County. A letter dated October 1, 2003 from the Erie County

REGULAR BOARD MEETING TOWN HALL

OCTOBER 15, 2003 7:30 P.M.

SUPERVISOR REPORT (CONT.):

Supervisor Eagan (cont.): Health Department confirms that an unapproved subdivision based on a number of lots on the northeast tract of less than five acres were sold. Supervisor Eagan requested Town Attorney Vacco review this situation and any action the town may take against Mr. Eckis, the Developer. Mr. Eckis should be advised of the Health Dept. determination and the possibility of fines from the town.

Town Attorney Vacco noted the Code Enforcement Officer was forwarded a copy of the Erie County Health Department letter and requested that the Planning Board also be forwarded a copy.

Supervisor Eagan gave an update on the progress of the Highway Union labor negotiations. He also noted that at a Special Meeting on August 1st, he, Councilmen Mead and Hawkins passed a motion authorizing himself and Town Attorney Vacco to negotiate a highway contract on behalf of the town with stipulations. Councilmen Wiktor and Simmeth presented a motion to hire previous Labor Negotiator, Norm Stocker, at \$85.00 per hr.

Supervisor Eagan requested the following letter be included in the minutes:

To: Members of Local 17

Town of Boston highway Members

From: Damian Wiktor

Town of Boston Councilman

Date October 1, 2002

Re: 2003 Contract Negotiations

We are all aware that labor negotiations between parties is a responsible arrangement. It is apparent that a person (s) are desperately determined to upset the present negotiation process between the Town and the members of Local 17. A few years ago, during the initial negotiations, both parties demonstrated respect and professionalism for each other. This year however, a person (s) doesn't feel that should be the way to handle negotiations. It has come to our attention, that a comment was passed that myself and Mr. Simmeth are holding-up the present negotiation process. Nothing can be further from the truth.

We, the Town Board, have received 2 proposals from the negotiators representing Local 17. The first Proposal was given to the Town Board on August 1st, the second on September 17th. Please note that as of the above date, the Town Board has not met collectively to discuss the current contract, nor the two proposals of Local 17. Also, to demonstrate the folly of the statement made that myself and Mr. Simmeth are holding-up negotiations, the Town Board is comprised of five (5) members. If two (2) of us are holding-up negotiations, then what is the remaining three (3) majority members doing?

Why would a person (s) make that statement about myself and Mr. Simmeth? One reason could be to disrupt the present negotiations and the relationship that exists between the Town Board and the Union. Another reason would be to tarnish the integrity and character of myself and Mr. Simmeth while trying to further their belief on how honorable they are. A third reason would be political. This person(s) maybe are trying to forward their own political agenda at Mr. Simmeth's and my expense, as well as that of the Union itself. There very well could be other reasons as well, but the real purpose of the statement that Mr. Simmeth and I are holding-up negotiations only they can answer.

REGULAR BOARD MEETING TOWN HALL

OCTOBER 15, 2003 7:30 P.M.

SUPERVISOR REPORT (CONT.):

Councilman Wiktor Letter (cont.): Time will certainly afford all of us the originator(s) of the statement that Mr. Simmeth and myself are holding-up negotiation. It is Mr. Simmeth's and my hope that this type of gross misinformation doesn't have any damaging effects with the present contract negotiations.

Supervisor Eagan: Councilman Wiktor, at the August 1st meeting expressed clearly how cautious we have to be not to taint the negotiations. I am insulted that the remaining three majority members, which must mean Councilmen Mead and Hawkins and myself, maybe the culprits he is alluding to. This should have been brought to the attention of the Board at the Agenda Meetings. Town Republican Chairman, Frank Lisowski, who is also our Deputy Code Enforcement Officer, told highway workers that they should thank him for his effort in trying to work with them by contacting people in the County about a new health care benefit package. This action has done everything Councilman Wiktor said we should avoid, which is tainting the efforts and professionalism put forth, and the cooperation that we have received from these unions. I am removing myself from the negotiation table of this contract because I think the position on that Board has been tainted. The last time the previous Board negotiated this contract through an arbitrator, it cost us over \$15,000 and it took two and a half years. The reason they say is that this was the first time we dealt with a union. What was the problem that took two years to negotiate a fire company contract? With that I regretfully resign from the negotiating team and I apologize to my negotiating partner, Town Attorney Vacco. I am going to reserve my comments on our negotiations until they are presented to me.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to appoint Councilman Wiktor as negotiator, who has two years of experience with the Lackawanna School System as a negotiator and experience with former Town Attorney Perley, in negotiating the fire company contract.

Councilman Mead	Voting Nay
Councilman Wiktor	Voting Nay
Councilman Hawkins	Voting Aye
Councilman Simmeth	Voting Nay
Supervisor Eagan	Voting Aye

two (2) Ayes three (3) Nays denied

Supervisor Eagan: I say to the majority of the Board good luck, appoint whom you will but I think this is terrible that this is tainted. I think Frank Lisowski should be held accountable for his actions. I hope there is no legal situation that he put us in by violating any labor laws. I think it is terrible that we have people interfering with a process that was approached with the utmost professionalism and with the intent to resolve in everybody's best interest.

Councilman Hawkins: May I add, and not pay any expenses to the taxpayers of this community and not have to hire an outside arbitrator to negotiate. Now we may.

Supervisor Eagan: Part of the conditions were that if we reached a stumbling block then we decide whether to hire a negotiator.

TOWN CLERK REPORT

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Town Clerk Report for September 2003.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

OCTOBER 15, 2003 7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that two older vehicles were taken to auction and given estimates of \$8,000 and \$10,000 trade-in for new equipment. After doing restoration work \$13,000 and \$20,000 was received. A total of \$35,800 minus the auction fee gives the town \$32,220 for old equipment. Highway Superintendent Kreitzbender requested the money be used to pay down the debt on one loan (loan).

Highway Superintendent Kreitzbender reported he spoke with Erie County Director of Engineering, Charles Sickler, today regarding the concerns of the town and he has been very responsive. Omphalius Road will be accepted back from the County for plowing as per the agreement.

TOWN ATTORNEY REPORT

Town Attorney Vacco reported that she will continue to negotiate the Highway Union contract on behalf of the Town of Boston until otherwise notified.

COUNCILMEN REPORT

Councilman Mead: I apologize to the residents here tonight for the comments and lack of workability in putting politics aside. I hope to work with the Board as a group and to help resolve some of these issues. We will be working to reduce the budget before it is adopted. As far as a re-valuation, it is only fair that everyone pays the fair amount of taxes. We should be at full valuation. I appreciate the comments from the residents.

Councilman Wiktor reported that the Boston Republican Club has requested use of the Community Room on October 31, 2003 from 5:00 to 10:00 p.m. for the annual Halloween Party.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to grant the Boston Republican Club use of the Community Room on October 31, 2003 from 5:00 to 10:00 p.m. for the annual Halloween Party.

five (5) Ayes Carried

RESOLUTION 2003-31 LOWER SPEED LIMIT ON WARD ROAD

Councilman Wiktor: I will retort to your comments Mr. Supervisor (regarding Union negotiations). Can you find where your name is mentioned? That letter is a rumor as it states in the beginning. I took

offense at the rumor that Councilman Simmeth and I are trying to do something not in compliance with the negotiations. This may very well be a rumor. In the last paragraph it states that "time will afford us the person or person (s)". I took great offense that someone was going to attack the integrity of myself and Councilman Simmeth by saying that we specifically were holding up negotiations when we did not as a Board, collectively meet to discuss the contract. How could we hold up something we have not talked about? There is nothing in that letter that refers to a single person by name. I still don't know the person's name. We had no meeting of the Board collectively. My letter to the Highway Department personnel was to explain that to them. A few of them said "Damian we can't believe that you are doing this to us." They said, "it is obvious that somebody or some persons are trying to make good of your name and your character." That was the purpose of that letter. You can take it the way you want, I know how I wrote it and I know how it was received. Many of the men in the Highway Department said, "we knew it couldn't be happening but we are glad you at least told us and were honest about it."

REGULAR BOARD MEETING TOWN HALL

OCTOBER 15, 2003 7:30 P.M.

COUNCILMEN REPORT (CONT.):

Supervisor Egan: It is too bad that a rumor had be carried without being discussed with the Town Board which would have been the proper procedure.

Councilman Wiktor: Is it proper procedure to bring up something that affects me without discussing it with the Town Board?

Councilman Simmeth: I have talked to Assessor Hornberger and she wants to conduct a re-val. I concur with Councilman Mead in that we have to have a re-val. Hopefully we are all on Board and can get going on the re-val. No matter what you read in the papers, this is the Supervisor's budget. I had no meetings with him. They had one meeting when I was at work.

Supervisor Egan: Tell the truth, you were asked to come to that meeting. That budget was determined at a workshop meeting with the Town Board. You didn't show up and it's not my fault.

Councilman Simmeth: It is the Supervisor's budget. It went down 10% last year. It is up 19% this year. That is not good government. That is not good leadership. That is poor fiscal management. I hope, along with the other Town Board members, to get this budget reduced to where it is reasonable. We don't need this. It is not the way to go. We can take a little bit of money from the surplus and still have a healthy budget. We are still going to have a healthy surplus. To raise these taxes 19% shouldn't fall on the taxpayers. That is wrong. If I can't get that budget down I am going to resign. I won't be a part of that.

Councilman Hawkins: I have not talked with the other Board members but I concur with Councilmen Mead and Simmeth. I think everyone should be assessed their full value and pay their fair share. I apologize also because I probably started this whole thing. I have only been on this Board for a year but one thing that upsets me is that we have agenda reviews and meetings before Town Board meetings and we hope that issues we are going to vote on are discussed. Not at the last minute at the Town Board meeting where we have to vote without time to think about it. If we want to get back to the last Town Board or the last seven or eight years, I hope we don't bring up Polish Hill and the \$250,000 it is going to take to redo the road at taxpayer expense. Everyone had a fair chance. Councilman Simmeth couldn't make the budget meeting. I respect that. I took time off of work because I felt it was important. We did have meetings and so it is this Board's budget. Do I like 19%? Absolutely not. I wish there was no raise. I would like to do whatever we can to make it easier on the taxpayers.

Supervisor Eagan: I hope your actions are responsible Councilman Simmeth, more than they have been in the last seven years. There was an agenda meeting, a workshop. He is the only one who did not show up. We worked for three hours page by page, line by line and the result was the tentative budget that I presented from that workshop. Everyone had an opportunity to go through that budget and everyone made recommendations. I have a clear conscience. I infused the Board into this budget process. I could have waited until after I filed it, which the law would have allowed me to do, but I knew the importance of working as a team. I hope my colleagues on this Board, and I am sure that most of them will, be responsible. Some of these costs are going to be around for a long time, such as fuel costs. We have to pay increases in the NYS retirement system because the State tells us so. Every community is faced with a 300% increase or better. I presented a responsible budget. I am a responsible Supervisor and I challenge any Board Member to prove otherwise. I reduce taxes. Now let's see how good, how responsible you are between now and November 5th without cutting jobs, Councilman Simmeth.

REGULAR BOARD MEETING TOWN HALL

OCTOBER 15, 2003 7:30 P.M.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers Monthly Reports for September 2003 were received and are on file in the Town Clerk's office.

DOG CONTROL OFFICERS REPORT

A) Dog Control Officers Monthly Report for September 2003 was received and are on file in the Town Clerk's office.

RECREATION DIRECTOR REPORT

A) Recreation Director Monthly Report for July and August 2003 was received and is on file in the Town Clerk's office.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to adjourn the meeting at 8:55 p.m.

KAREN A. ELLIS, DEPUTY TOWN CLERK