

Town Board Minutes October 2, 2002

REGULAR TOWN BOARD MEETING TOWN HALL

OCTOBER 2, 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 the Planning Board that due to a lack of information, no recommendation would be made on the application of Warren Steinberg, 7812 Eddy Road for a Special Permit to receive fill.

Received a refund request from Warren Steinberg for an application fee for a Special Permit to receive fill as he is receiving fill from within the Town of Boston and a permit is not required.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to refund the \$150 application fee for a Special Permit to Warren Steinberg, 7812 Eddy Road.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to schedule a Public Hearing for the Annual CDBG (Community Development Block Grant), October 16, 2002 at 7:45 p.m.

five (5) Ayes Carried

Received an Engineering Services Proposal dated 9/30/02 from R&D Engineering Inc. for the 18-Mile Creek Bank Stabilization Project.

Supervisor Eagan noted that all costs involved with the 18-Mile Creek Stabilization Project are paid from FEMA funds.

A motion was made by Councilman Mead and seconded by Councilman Edington to award R&D Engineering, Inc. a contract for Engineering Services for the 18-Mile Creek Bank Stabilization Project.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor to adopt minutes of the September 18, 2002 regular meeting.

five (5) Ayes Carried

Councilman Simmeth questioned why a voucher submitted over a month ago by Dana Darling Construction Inc., to install a drain between two houses on Kevinton Dr., for \$2,600 has not been paid.

Supervisor Eagan responded that he received the voucher for Dana Darling Construction for \$2,600, and questioned who authorized the payment without Board approval since no record exists of Town Board approval.

Councilman Simmeth responded that he does not have a record and that policy requires a Town Board motion for anything over \$3,000. Dana Darling submitted this proposal in the summer of 2001 but was busy and waited until this year. The Board approved the proposal at an Agenda Review meeting, not at a Town Board meeting.

Supervisor Eagan inquired if Councilman Simmeth had minutes from the Agenda Review meeting.

Councilman Simmeth responded he did not and it was not brought up at a Town Board meeting.

Supervisor Eagan commented that if you vote on something at an agenda review, minutes should be taken of that vote because that is considered a qualified vote under town law at a town meeting. This is a contract and there is only \$1,400 in the Drainage Budget and a contract was awarded that exceeded that amount.

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Supervisor Eagan read a letter that he sent to Town Attorney Perley noting that in his opinion the actions of Councilman Simmeth in authorizing the Darling Construction, Inc. is not in keeping with the Town of Boston Procurement Policy. He is requesting Town Attorney Perley research the Town Law and the Procurement Policy to determine if Councilman Simmeth has violated any law or policy of the town.

Supervisor Eagan commented that Councilman Simmeth exceeded the \$1,400 Drainage Budget and has an obligation to request that the Town Board appropriate the proper funds to cover this voucher.

Town Attorney Perley noted that the Town Clerk is required under Section 119 of Town Law, to receive vouchers and submit them to the Town Board for approval within a time limit. Town Attorney Perley requested that the voucher be submitted to the Town Clerk to be submitted to the Town Board for consideration on the next warrant for the next meeting. It is the Town Clerk's responsibility and not the members of the Town Board's responsibility, to submit the voucher to the Board.

Supervisor Eagan commented that the NYS Auditor informed him that he should review all vouchers to assure they have the proper documentation and that they are qualified. The question is not the voucher in and of itself, but what he feels was improper authorization of the work. He has never seen a contract awarded at an agenda review meeting and not brought up at a Town Board meeting and doesn't think that would be sound fiscal management.

Town Attorney Perley requested the voucher be submitted to the Town Clerk as required under Town Law to be processed and presented to the Town Board. The Supervisor is required to pay vouchers authorized by the Town Board under the warrant.

Supervisor Eagan commented that he has a right to object to the payment of those vouchers because as the Chief Financial Officer it is his obligation and responsibility not to let vouchers be paid because someone says, "we voted on that last year at an agenda review meeting."

Town Attorney Perley noted that section 119 of Town Law provides that the Town Clerk submit the voucher to the Town Board with a warrant for the Town Board's consideration and approval and only upon the Town Board's approval should the voucher be paid.

Supervisor Eagan noted there is another section of law that says he has the responsibility not to let anyone's budget exceed its budgeted amount. Supervisor Eagan asked Town Attorney Perley if this falls within the Town's procurement policy for contracts.

Town Attorney Perley responded that in the way it was presented, no but that there are other matters that have also not fallen within the procurement policy.

Town Clerk Shenk commented that he checked with the Deputy Town Clerk and neither one of them recall receiving that voucher. He asked the Highway Superintendent and the Supervisor if the voucher came to their office.

Supervisor Eagan commented that he found it on his assistant's desk and that someone dropped it off.

Town Clerk Shenk noted for the record that the Town Clerk never received the voucher in question.

Supervisor Eagan confirmed that the Town Clerk never received the voucher and he brought it to the attention of the Town Attorney after one of their meetings.

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Councilman Simmeth inquired if the issue was with him why was it not brought to his attention.

Supervisor Eagan responded that it was his responsibility to bring it to the Town Attorney for a legal opinion and that he did not want to bring the issue up in this format but that Councilman Simmeth brought it up.

Councilman Simmeth commented that he made a mistake and wants to apologize to the Town Board members and to the Boston taxpayers. He thought he was doing it the right way and that Dana Darling Contracting is a Boston resident and taxpayer. To hold the payment of \$2,600 up and keep food off his table is not right.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board, that fund bills on Abstract #10, dated October 2, 2002 in the amount of \$68,118.93 be paid.

five (5) Ayes Carried

Supervisor Eagan submitted the Dana Darling Contracting voucher for \$2,600 to the Town Clerk along with the letter to Town Attorney Perley. He noted that he has no problem with the Town Board acting on the Dana Darling voucher this evening and that funds will need to be appropriated to cover the bill.

Town Clerk Shenk confirmed the Town Board agreement to put the Dana Contracting voucher on the next abstract.

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

Received and filed notification from Erie County Department of Public Works Division of Highways of a highway closure of Omphalius Road on September 17, 2002 until completion of the reconstruction project. Notification was sent to numerous agencies, the three local fire companies and the Boston Emergency Squad.

Received and filed notification from Val-Lee Pizzeria and Restaurant, 8407 Boston State Road of application to the State Liquor Board for a liquor license renewal.

REQUESTS FROM THE FLOOR

Donna Bielecki, 7454 Crestwood Circle: I represent the residents from Water District No. 3 who hear that there are problems with our tax bill regarding water taxes. We are concerned because we do not have additional money and it was tough to come up with the money to get the water we needed.

Supervisor Eagan: After speaking with State and County Officials and reviewing records it appears, and the proposed budget reflects this, that last year Water District NO. 3 was not funded properly in the budget. In discussions with the town accounting firm, the State Comptroller and the Erie County Director of Real Estate and Taxation, the Erie County Director informed me that this issue needs to be corrected. Charges were not levied properly and it is the responsibility of the Town Board, after a thorough review in the next thirty days, and before the budget is final, to correct it. The plan was based upon more homes having water in the first phase. The debt service is about \$130,000 and in the map, plan and report the debt service can only be charged back to certain properties.

Donna Bielecki: Our concern is that we voted on a certain amount when we went through this process and through the years we turned it down plenty of times because of the cost and only because of the costs that they presented to us were we able to vote ?yes? to

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REQUESTS FROM THE FLOOR (CONT.):

Donna Bielecki (cont.): it. My tax bill was less than projected, not by a lot, but if you are going to increase it by a lot that is going to cause some major hardships for people. New York State did a feasibility test and they would not have approved it if they knew that it was going to increase by large amounts.

Supervisor Eagan: I am not sure that they are not going to have something to say about this. A lot of what is happening now is because of a delay in our attempted negotiations with Orchard Park who is putting us in a very difficult situation. They want the taxpayers in Water District No. 3 to pay an additional \$84,000, which wasn't part of what you agreed to. I have used Erie County Officials, Deputy County Executive Calabrese, the Deputy Commissioner of Environmental and Planning, and just about every resource I can to speak to the people in Orchard Park. Orchard Park will not honor a proposed agreement with the ECWA that there would be no charges to Boston or any other towns needing water. I have the documentation to support that. Orchard Park taxpayers should be aware that they are responsible for 100% of the costs of Water District No. 17 but with Boston in the picture some of that cost will be deferred. In the meantime Boston Water District No. 3 residents will pay more than what they agreed to. I don't think it is fair but we have an obligation to fund that district and I don't know what to do until the Town Attorney reviews this critical situation.

Donna Bielecki: I understand that is only one part of it plus the other part is with the differences of taxes on our water.

Supervisor Eagan: Orchard Park receives water from the village that buys water in bulk from ECWA. The village sells it to Orchard Park and Orchard Park sells it at a premium to the customers that they serve in the township. Orchard Park wants us to pay for the benefit of water passing through a transition line that was put in with cooperation from the ECWA to carry water into rural areas. The Town Board has discussed legal action against the Town of Orchard Park. The longer the project is delayed the more difficult it is going to be on the homeowners in Water District No. 3. I don't know how we can subsidize this or anything else. I do know in last year's budget inadvertently there were dollars put into Water District No. 3 to reduce debt cost to you that shouldn't have been. We can't do that anymore. You can't take money from one water district and pay bills in another water district and that is what was done. I don't know what the solution is.

Donna Bielecki: If it goes up too much you are going to have a lot of angry people down here because people can't afford it. We don't know what to do. Are we going to be notified as to the amount that this might increase?

Supervisor Eagan: Yes, when the budget is passed. Even prior to that we will afford you copies of the preliminary budget when we get through tonight. If you need any explanation of it I would be happy to do that for you.

Donna Belecki: I have all the contracts through the years of how much it was going to cost depending on how many homes. I do know not as many homes went in for this and that was because of the cost but we all voted on what we were given with the contract and if it is going to double, nobody can do that. There are people who have lost jobs and people don't have the money. We don't think with what we voted on, that this is something we should absorb.

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REQUESTS FROM THE FLOOR (CONT.):

Supervisor Eagan: I don't think you should either but the way this

map, plan and report has been written and the way it has been explained to me, and based on the debt service, that cost must be distributed unfortunately to just a few. We are going to check to see if that has been determined. I've had three, maybe four, different sets of eyes on these same documents and all have concluded the same thing. You should all be marching on Orchard Park and let them know what they are doing to your pocket book and your family life because we have done all we can do and are still looking for other ways to convince Orchard Park to do this. I don't know how much longer we can tolerate this ransom payment of holding water hostage when families can't even give the kids a bath without coming here or to the Patchin Fire Hall, to fill up with water.

Donna Belecki: That is why we did this. It is not a luxury. This is something we had to have and now we are being told we are going to have to pay twice as much as what we voted on. That is not sitting well with us.

Supervisor Eagan: It shouldn't. If what was set up dictates that we have to charge you that, I don't know how to get around that, but in the next thirty days we should be able to review that.

Town Attorney Perley: We will investigate every avenue.

Supervisor Eagan: I am sure that the reporter from the Citizen News will emphasize the standoff with this water. Orchard Park has to realize that they should be helping their neighbor.

Gary Drews, 7443 Crestwood Circle: What kind of numbers are we actually talking about? What have you come up with so far? If it was today what kind of increase are we actually talking about?

Supervisor Eagan: The debt service is about \$132,000 that has to be raised. There are 101 homes with service at approximately \$560.28 for capital improvement and an ad valorem charge of \$1.39 per thousand based upon assessment in addition to the \$567 if you have water now.

Town Clerk Shenk: If your home were assessed at \$100,000, the ad valorem tax would be \$139.

Gary Drews: \$139 plus another \$567?

Town Attorney Perley: I understand this is bad news and it might not change but our efforts to reduce that number will continue. We will investigate every possibility and I am sure the Supervisor will too.

Supervisor Eagan: We even talked to our financial consultant regarding redoing the amortization schedule which brought it down a little but not enough to help you. We are going to do everything we can to see how effective we can be. I strongly suggest that you start focusing on Orchard Park and tell them to stop being greedy and start being a neighbor. We'll do our part.

Town Clerk Shenk offered to compare the 2002 budget to the preliminary 2003 budget.

Supervisor Eagan noted he will make himself available if they want to go over the numbers.

Lee Werner, 7491 Chestnut Ridge Road: How can we go back and find out the people who are responsible for signing the contracts and who initiated the water and the people whose signatures are

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REQUESTS FROM THE FLOOR (CONT.):

Lee Werner (cont.): on that contract? They are the people who are liable for this. The Town Attorney who signed the contract and the people who were here before you or if you were there at the time. Those are the people who I think we have recourse with. We don't have a problem with Orchard Park because we are in the Boston district. You are here to represent us through the Town of Orchard Park. We shouldn't be going to Orchard Park you should be working with Orchard Park for us. If it comes to who is responsible for paying this, I don't think we should pay anything until it is settled. Approving the budget now and saying we are going to pay it especially when it could be tied up in court, and it sounds like it was illegal in the first place, somebody has to be responsible for that, then it is a whole different story.

Supervisor Eagan: We do represent you and there are only so many things we can do and then there are things you can do. There is strength in numbers. They have only heard from various members of this Town Board, Town Attorney, news articles, Erie County officials, and the ECWA, all have attempted to have an agreement with Orchard Park, working for your interest. Five of us appearing in Orchard Park doesn't have the same effect as one hundred of you sending letters, haunting them and going to their meetings and saying, "why aren't you giving us water?" They are doing the same thing to the people in Colden and the Supervisor there is trying to do what she can do. We can't win with just this Town Board at this stage and that is why we are prepared to go forward with a lawsuit. It is my understanding, not my interpretation, that you people will be faced with a higher rate because the rest of that district wasn't furnished with water. I feel the cart was put before the horse. It's like building a lake in a desert and then wondering where to get the water. We certainly would have been further ahead years ago if we had an agreement with Orchard Park saying, "take all the water you want?". I don't know what happened. A Orchard Park Councilman was quoted saying that there is a new Town Board in Orchard Park.

Lee Waren: Forty-five days seems like a short time when you are talking about getting lawyers involved. I feel we are going to be paying before anything happens and I'd like to see something stopped before the payments start. I'd rather see it tied up. We are getting water and that may force them to move quicker to get things resolved. We shouldn't have to pay anything until this is resolved.

Supervisor Eagan: This debt service is related to the bond that is on this project, correct?

Town Attorney Perley? Correct.

Supervisor Eagan: So it is not money that is going to Orchard Park. The Supervisor from Orchard Park was at a Water Consortium meeting where a representative from R&D Engineering stated that no town, village or city should be in the water business. Taxpayers in Orchard Park will save money if ECWA takes over. Orchard Park should do what is best for their taxpayers and that is lowering their taxes by letting us in.

Supervisor Eagan read his summary of the Town of Boston Fiscal Budget for 2003 as follows:

For the record on 9/30/02 I presented my budget to the Town Clerk as required under law and that evening it was presented to the Town Board at the Agenda Review Board meeting. There were adjustments made, primarily due to funds not appropriated for brush pick-up. Those issues were addressed and modified however I will present the budget in its original form.

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SUPERVISOR EAGAN BUDGET SUMMARY (CONT.):

Over the past nine months, I have implemented various changes in how my office functions, more specifically changes in the bookkeeper's office. Those changes were necessary if I was to bring the practices and procedures of that office up to today's standards.

The new accounting system implemented this year allows us to monitor and verify account balances in each fund. We can provide department heads with a more accurate detail of their accounts, thus enabling better management tools to monitor and track their expenses. This ultimately allows a more accurate means of managing the budget.

Furthermore, the new system allows us more in the way of checks and balances, more accountability to the taxpayer. A good example is how this new system allowed us to discover approximately \$180,000 of

prior years Justice fees to be reclassified correctly to the fund balance, which allowed me to use 95% of our current years projected General Fund surplus in my 2003 budget to help lower taxes.

Going on five weeks now, we have had an auditor in from the comptroller's office to review the records from 2001. I can tell you at this point in time, it is clear that the changes we have made will meet comfortably the required changes that I predict will result from the comptroller's audit.

The 2003 budget that I present this evening represents many hours of work and input from various individuals and agencies. No one would be doing this community justice if they prepared this budget alone. To be a responsible administrator, one must recognize ones own limitations, yet at the same time recognize the talent and expertise of others. I believe I have done just that.

At this time I would like to personally thank the NY State Comptroller Office, the Association of Towns, the Erie County Director of Real Property tax Services, Town Clerk Shenk, Clark & Koller, our tax accountants, my Secretary Julie Costello and last but not least the person who brought all of it together, Kathy Selby, our bookkeeper. She certainly confirms that her degree in accounting along with nearly 15 years experience is a benefit to our community and that hiring her was one of my best decisions.

This year I have anticipated a combined surplus from both our expenses and revenues from the General Fund of approximately \$455,000 of which as stated above, I have returned to the 2003 budget and the taxpayer \$433,000. This money was used to lower the General Town Tax approximately 8%.

Our Highway rate is down about 2%, with thanks going to our Town Board members for their input at this past Monday night's agenda meeting. Through their perusal of the budget a few adjustments were made.

I am sure we are all tired of hearing about the effects of 9/11 but unfortunately we have not heard it for the last time. In Boston it has come home to roost. Our insurance premiums are projected to increase by at least 30%, which has its biggest effect on our fire rates. This rate, even with the use of the fund balance, has increased by approximately 11%.

For the most part our light and ambulance rates have slightly decreased.

Refuse appears to be staying at \$110 per unit.

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SUPERVISOR EAGAN BUDGET SUMMARY (CONT.):

Special Districts: Water Districts 1 & 2 rates are slightly down. Water District 2 Ext. 2 is slightly up.

In Water District No. 3 the cost has gone up. This is primarily in part to evidence that shows that last year it was not properly funded. This determination was far from mine alone. From review and discussion with the town accountants, Clark & Koller, the Comptrollers Office and the County Director of Real Property Services, it was determined that this District appeared to lack the proper funding in the 2002 budget and as a result we are obligated to now make the necessary adjustments in 2003.

I would be remiss if I failed to mention that our current General Fund Balance is at approximately \$1,300,00.

This budget lacks one ingredient. There is no political element to this budget.

In closing, I ask my fellow Town Board members to support two resolutions that I will present at our next Town Board meeting:

1. Establishment of a \$50,000 Tax Stabilization Fund ? given the concerns over what we may face in the future, resulting from 9/11 it seems prudent to set up such a fund.
2. A fund to establish a \$40,000 commitment to our seniors for building a new senior community facility.

Supervisor Eagan presented the 2003 Preliminary Budget.

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

Appropriations 1,346,587.00
Less Estimated Revenue 754,600.00
Less Unexpended Balance 425,000.00
Amount to be Raised by Taxes 166,987.00
five (5) Ayes Carried

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

Appropriations 1,017,063.00
Less Estimated Revenue 417,521.00
Less Unexpended Balance 20,000.00
Amount to be Raised by Taxes 579,542.00

five (5) Ayes Carried

A motion was made by Councilman Edington and seconded by Councilman Wiktor that the 2003 Fire Protection Preliminary 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

A motion was made by Councilman Simmeth and seconded by Councilman Edington that the 2003 Light District Preliminary 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

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2003 Budget (cont.):

A motion was made by Councilman Wiktor and seconded by Councilman Edington that the 2003 Ambulance Preliminary 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 Mead and seconded by Councilman Edington that the 2003 Refuse and Garbage Preliminary 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 Edington and seconded by Councilman Simmeth that the 2003 Water District #1 Preliminary 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 Simmeth and seconded Councilman Mead that the 2003 Water District #2 Preliminary 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 Simmeth and seconded by Councilman Edington that the 2003 Water District #1 Extension #1 Preliminary 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

A motion was made by Councilman Mead and seconded by Councilman Edington that the 2003 Water District #2 Extension #2 Preliminary 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

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2003 Budget (cont.):

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

Appropriations 132,272.00
Less Estimated Revenue 00.00
Less Unexpended Balance 00.00
Amount to be Raised by Taxes 132,272.00

five (5) Ayes Carried

Town Clerk Shenk read the 2003 Preliminary Budget totals:

Appropriations 3,776,924.00
Less Estimated Revenue 1,172,121.00
Less Unexpended Balance 561,830.00 Amount to be Raised by Taxes 2,042,973.00

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adopt the 2003 General Fund Preliminary Budget as modified by the Memo of October 2, 2002 from Supervisor Eagan to the Town Board:

Appropriations 1,354,587.00
Less Estimated Revenue 754,600.00
Less Unexpended Balance 433,000.00
Amount to be Raised by Taxes 166,987.00

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to adopt the 2003 Highway Fund Preliminary Budget as modified by the Memo of October 2, 2002 from Supervisor Eagan to the Town Board:

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

Town Clerk Shenk read the modified 2003 Preliminary Budget totals:

Appropriations 3,784,924.00
Less Estimated Revenue 1,190,621.00
Less Unexpended Balance 569,830.00 Amount to be Raised by Taxes 2,024,473.00

A motion was made by Supervisor Eagan and seconded by Councilman Mead that the 2003 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 39,000.00
Town Justice 13,000.00
Town Justice 13,000.00
Superintendent of Highways 41,774.00

five (5) Ayes Carried

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A motion was made by Councilman Simmeth and seconded by Councilman Mead to direct Town Clerk Shenk to schedule a Public Hearing on November 6, 2002, at 7:45 p.m. for the 2003 Preliminary Budget.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington to appoint the following to the Friday Night Recreation Program term effective immediately through May 31, 2003:

NAME TITLE HOURLY RATE

Andrew Smith Supervisor \$8.00

Kellie Rosiek Counselor \$6.50

Lauren Forness Counselor \$6.50

Emily Lundberg Counselor \$6.50

five (5) Carried

Received a proposal from Attorney Nicholas Konst to represent the Town of Boston in securing water service for Water District #3 from the Town of Orchard Park, for a fee of \$135 per hour.

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to table a proposal from Attorney Nicholas Konst to represent the Town of Boston in securing water service for Water District #3 from the Town of Orchard Park, fee of \$135 per hour.

five (5) Carried

Received and filed a proposal from R&D Engineering, Inc. for Engineering Services for the Water District No. 2 Extension of Facilities Plan for a fee of \$2,100.

A Public Hearing was held on September 3, 2002 regarding inspections made by the Deputy Code Enforcement Officer and a recommendation of removal of the building at 9424 Boston State Road (258.09-1-21), owned by Kevin and Susan Kamuda.

Received and filed notification that the building at 9424 Boston State Road (258.09-1-21), owned by Kevin and Susan Kamuda has been removed.

Received a proposal from R&D Engineering, Inc. for a Proposed Update to the Town of Boston Construction Specifications for drainage and Storm Sewers and the Enclosing of Existing Ditches.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to table a proposal from R&D Engineering, Inc. for a Proposed Update to the Town of Boston Construction Specifications for drainage and Storm Sewers and the Enclosing of Existing Ditches.

five (5) Carried

A bid opening for the Solid Waste & Refuse Contract was held on September 25, 2002 at 10:00 a.m. The following bids were received, opened and read aloud:

COMPANY	PRICE PER UNIT
WASTE MANAGEMENT OF NY	\$113.95
N.E.I.	\$118.90
BFI	\$124.68
MODERN DISPOSAL SERVICES	\$147.94

Town Attorney Perley commented that Town Clerk Shenk consulted with neighboring towns and he consulted with attorneys in neighboring towns serviced by Waste Management of NY and no complaints were noted against the company.

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A motion was made by Supervisor Eagan and seconded by Councilman Mead to award the Solid Waste and Refuse contract to Waste Management of NY for a fee of \$113.95 per unit for the period of 1/1/03 through 12/31/06.

five (5) Ayes Carried

Received and filed a Planning Board recommendation of approval of the Building Permit Application submitted by Kirst Construction for roof repairs and installation of a new façade on the structure at 7170 Boston State Road.

Received a Planning Board recommendation of approval of the Site Plan Review for a Change of Use request from Douglas Wittmeyer for 7186 Boston State Road, to operate as a jewelry store with strict adherence to the following stipulations:

(1) Hours of operation are limited to those recorded in the Zoning Board of Appeals Public Hearing Minutes of 9/5/02.

(2) Lights are on a timer and are to shut off as proposed corresponding to hours of operation.

A motion was made by Councilman Mead and seconded by Supervisor Eagan, on the recommendation of the Planning Board, to approve a Site Plan Review for a Change of Use request from Douglas Wittmeyer for 7186 Boston State Road, to operate as a jewelry store with strict adherence to the following stipulations:

(1) Hours of operation are limited to those recorded in the Zoning Board of Appeals Public Hearing Minutes of 9/5/02.

(2) Lights are on a timer and are to shut off as proposed corresponding to hours of operation.

five (5) Ayes Carried

Supervisor Eagan requested that the Town Clerk provide the Assessor with a copy of the Change of Use for Douglas Wittmeyer, 7186 Boston State Road.

SUPERVISOR REPORT

Supervisor Eagan requested that the Town Board consider and support a motion he will make at the next town board meeting regarding a law that was recently passed in Albany which would allow volunteer firemen and ambulance service personnel a reduction in their property assessment.

TOWN CLERK REPORT

Town Clerk Shenk reported that School Taxes are due October 15th. The Town Clerk's office will be open Saturdays October 5th and 12th from 9:00 a.m. to 3:00 p.m., October 10th and 11th until 8:00 p.m. and October 15th until 9:00 p.m.

Town Clerk Shenk reported that the deadline for Deer Management Permits has been extended to October 15th. Unfortunately the DEC did not update the central computer system to reflect this change so as of yet we are not able to issue Deer Management Permits. Hopefully this problem will be solved by the end of the week.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the final brush pick-up for the year will begin Monday, October 7th.

REGULAR TOWN BOARD MEETING TOWN HALL

OCTOBER 2, 2002 7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT (CONT.):

Highway Superintendent Kreitzbender reported that the final Capital Improvement Project under the Bond issue is being completed. Crestwood Circle, Hillside, Hillcrest and subdivisions off Chestnut Ridge Road have been paved and intersections, driveway approaches and shoulder work still needs to be done. A complete report will be given to the Town Board on how many miles and lane miles have been reconstructed and resurfaced this year and how much money has been spent and is remaining for next year.

TOWN ATTORNEY PERLEY

Town Attorney Perley received correspondence from the NYS Public Service Commissioner regarding the Adelphia Communications bankruptcy. It appears that the Bankruptcy Court, when appointing a Creditors Committee, did not appoint a Franchise Holder as a creditor. A motion is pending before the NY Southern District Bankruptcy Court to form a committee of franchise holders.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to authorize Town Attorney Perley to file a Notice of Joinder on the Committee of Adelphia Communications Franchise Holders on behalf of the Town of Boston by Friday, October 4, 2002.

five (5) Ayes Carried

COUNCILMAN REPORT

Councilman Mead inquired if there are plans after the oiling and chipping of Back Creek Road, to address the bank stabilization of Eighteen Mile Creek?

Highway Superintendent Kreitzbender responded that the only project in the area that he is aware of is work that is being done by Erie County directly across from the Highway building on Back Creek Road where a shoulder and a portion of the road is lost.

Received and filed notification from the Conservation Advisory Council of its offer of endorsement and assistance to the newly appointed representatives to the US 219 Scenic By-Ways Committee, Patricia LaMonte and Richard Hawkins.

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

Received and filed the Town Engineer monthly report for September 2002.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 8:45 p.m.

DAVID J. SHENK, TOWN CLERK