

Town Board Minutes October 3, 2001

REGULAR BOARD MEETING TOWN HALL

OCTOBER 3, 2001 7:30 P.M.

Present were Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

Absent: Councilman Damian P. Wiktor.

Rev. James Laun, Churchill Memorial United Methodist Church, opened the meeting with a prayer.

A motion was made by Councilman Tills and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #10, dated October 3, 2001 in the amount of \$224,279.02 be paid.

four (4) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Tills, upon review by the Town Board, that the Highway Bills on Abstract #10, dated October 3, 2001, amount of \$20,711.84 be paid.

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to accept the Town Clerk's Report for September 2001.

four (4) Ayes Carried

Received and filed a letter from Assemblyman Richard Smith in support of the proposal for the state to share a portion of the Wireless Surcharge for the Public Safety Communications System in Erie County.

REQUESTS FROM THE FLOOR

Michael Pritchard, 8863 Pearl Street: I have been trying to facilitate a pipe in my ditch. It is my understanding that the Planning Board approves subdivisions, the spec plans, drainage etc. After the subdivision is approved is there normally things that the Planning Board would get involved with after the fact?

Town Attorney Perley: Absolutely. The Planning Board has continuing jurisdiction over the development of lots, over any modification of the infrastructure, including if a lot line changes, you need to file a consent with the Planning Board.

Michael Pritchard: If a taxpayer in any other part of the town happened to request the same service, would it also go to the Planning Board? If I lived on Homestead would it go to the Planning Board?

Town Attorney Perley: It would depend on the circumstances. There are other areas of town where it would go to the Planning Board. Any subdivision lot, if it is to be changed in any of its boundaries, any subdivision approved from 1950's till now, goes to the Planning Board every time. The Homestead subdivision was approved under a different set of regulations. Hickory Meadows was approved under a new set of regulations that specifically include the approval of drainage and continuing jurisdiction after adoption of a Local Law in December 1990.

Michael Pritchard: If I was a taxpayer on Homestead Road who would make the decision whether I was allowed to put piping in my ditch in front of my property?

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REQUESTS FROM THE FLOOR (CONT.):

Town Attorney Perley: The Highway Superintendent among others. It depends on what you are going to pipe and where. The question cannot be answered generally. On Homestead Road I can't think of any unusual circumstances that might cause us to bring in the drainage committee or other individuals. You might need the consent of an adjoining property owner depending on what you want to do. The law was developed to make determinations that were more prudent on the development of subdivisions including the specific drainage design and house elevation for every lot in the final plat.

Michael Pritchard: What triggers the Planning Board to get involved in the application?

Town Attorney Perley: The application to put a pipe in triggered the Planning Board. It triggered a request to me as to whether or not it would be appropriate from the standpoint of the operation and the comity (accommodation between, in and among departments in the areas of jurisdiction) and polity (deferred jurisdiction to where it appropriately belongs) of the government. This is what we did in this case. We referred the jurisdiction to the Planning Board where it belongs and where it remains due to the fact that it alters the drainage plan on file and requires Planning Board approval.

Michael Pritchard: Is it a normal practice to respond in writing to written requests?

Town Attorney Perley: Yes it is but I do not render opinions to private citizens. I render opinions to the departments of government that I represent. If you want the opinion of the Planning Board you can get it under the Freedom of Information Act.

Michael Pritchard: In our subdivision are we looking for further engineering, and if we are, and the developer is unwilling to participate in the cost of that, because now the town wants to change it to an all or nothing deal, where does that leave the taxpayers?

Town Attorney Perley: That depends on the what the Town Board decides to do. There are a number of avenues, however the most popular avenue is to form a district in the area to be benefited by a specific development and ultimately assess that cost to the back to the district. It depends on the cost of the engineering as to whether or not a certain portion will be preformed by the Town Engineer as part of his general services or whether it requires additional cost and time which would require a generation of a bill, usually a proposal for the work, and approval of the proposal and performance of the work.

William Eagan, 7886 Hywood Drive: Concerning our 2001 budget there is an item appropriated for \$2,000 called Fiscal Agent. Can you tell me who our Fiscal Agent is?

Supervisor Rood: Under the Fiscal Agent line in the 2001 budget, money was appropriated for an outside Accounting Firm to review the budget that I prepared and any money remaining after payment to the accountant would go to me, the Budget Director, as a stipend.

William Eagan: Don?t we have an independent auditor, Clarke and Koller?

Supervisor Rood: Yes we do. They do the closing of the books and are the same firm that does the budget review.

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REQUESTS FROM THE FLOOR (CONT.):

William Eagan: For the purpose of putting into record, since 1997 to 2001 there has been an increase of taxable assessed value of over ten million dollars added to our tax rolls. Between the 2000 roll and the new roll for 2001 there is approximately 4.8 million dollars in taxable assessment. I would like that entered into the minutes.

Received a letter from Norman and Mildred Witte, 6080 Thornwood Drive withdrawing their application for a rezoning on 7615 Boston State Road and requesting a refund of the \$150 application fee.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to grant Norman and Mildred Witte, 6080 Thornwood Drive a \$150 rezoning fee refund due to an application withdrawal.

four (4) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to remove from the table a request for a Cheerleader sleepover in the Community Room on October 12th and 13th, 2001.

four (4) Ayes Carried

Received a second letter from Cheerleader Coordinator, Jeanne Mead, requesting permission to use the Community Room on October 12th and 13th for a cheerleader sleepover. There will be one adult for every five girls, a maximum of eighteen girls.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to grant use the Community Room on October 12th and 13th for a cheerleader sleepover. A \$50.00 deposit to be received.

four (4) Ayes Carried

Received a Planning Board recommendation of approval of the application from Randall Barker for construction of an accessory building at 7380 Boston State Road with the stipulation that a favorable review and report of the drainage is received from the Town Engineer as addressed by the Notice of Decision from the Zoning Board of Appeals Public Hearing of September 6, 2001 and Town Attorney approval of the segregation of lots.

Received a letter of approval from Town Engineer Harris regarding the drainage at 7380 Boston State Road.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve an application from Randall Barker for an accessory building at 7380 Boston State Road, with the issuance of the Certificate of Occupancy contingent upon the preparation and filing of documents for the segregation of lots.

four (4) Ayes Carried

Received a letter from Thelma Hornberger requesting a leave of absence from the position of Assistant to the Supervisor.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to grant Thelma Hornberger a leave of absence from the position of Assistant to the Supervisor until December 31, 2001.

four (4) Ayes Carried

Supervisor Rood reported that three candidates were interviewed for the position of Assessor. The Town Board has decided to appoint Thelma Hornberger.

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Town Attorney Perley noted that Mrs. Hornberger is a Real Estate Agent and issues need to be resolved with regard to her practice of real estate business in the Town of Boston in much the same fashion as we required of former assessor, William Eagan.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to appoint Thelma Hornberger to the position of Acting Assessor, term to expire December 28, 2001.

four (4) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to appoint Thelma Faulring to the position of Temporary Assistant to the Supervisor.

four (4) Ayes Carried

Supervisor Rood read her summary of the Town of Boston Fiscal Budget for 2002 as follows:

In presenting our Town's Year 2002 budget, I am pleased to be able to once again reduce our General Fund tax. This year's reduction is \$.03 setting it at \$.71 per thousand. This is the lowest tax rate the town has seen in ten years.

Our General Fund appropriations are up \$42,098 mainly due to parkland purchase and park development. We have applied for grants to off set these costs but will not have any results until next year.

In the Justice Department, \$1,500 has been budgeted for a new computer and computer desk. Their contractual has also been increased \$1,000 due to rising costs of books, supplies, seminars and the court reporter.

We are also updating software in the Bookkeeper's office and purchasing a computer for the Supervisor's office. These items total \$7,700.

There has been a marked increase in our town insurance to \$55,782, which is up from \$48,000 last year, due to the insurance market's overall rate increase.

Included is a 3% raise to most town employees.

We have split the budgeted \$10,000 repair of the gas pump located at the Highway Garage between the Highway Fund and General Fund because of multiple utilization. The State Troopers and the Dog Control and Parks, Fire Companies, Emergency Squad also use these pumps so we split the repairs among them.

In Parks we have an increase in appropriations to purchase a grooming mower for \$10,000. This will produce a more efficient mowing program. We have also appropriated monies for fencing, soccer field preparation on the new park parcel and additional work needed for the new restrooms in the Town Hall Park.

A one time donation of \$5,000 has been appropriated for our Historical Society "Save Our Steeple" fund.

Our revenue estimates have been kept conservative due to the volatile state of our economy and country. From all reports we can probably expect a cut in our State aid due to the September 11th events and a decrease in sales tax and mortgage tax revenue.

I can assure our town taxpayers that our reserve unexpended balance in General Fund is adequate to respond to any fiscal emergency that may occur and because of this our tax rate will remain stable.

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Summary of Town of Boston Fiscal Budget for 2002 (Cont.):

The Highway tax will be reduced \$.01 per thousand due to appropriations being down \$250,526. We've budgeted \$2,000 for a new hand imprint management system. It will be programmed to compute

overtime, comp time, regular time and vacations. It will also generate reports for the Bookkeeper to facilitate payroll. It is activated by reading the employee's handprint when clocking in and out for duty. This will be an enormous time and labor savings for the Bookkeeper.

In the Special Districts portion of this year's fiscal plan, our Fire Protection District tax is at \$1.79. This rate is down from last year's rate of \$1.98 due to the ten-year buy-out being paid in full for the Fireman's Service Fund.

The Lighting District remains at \$.023 per thousand and the Ambulance District is up \$.03 to \$.33 per thousand due to a \$2,000 increase in compensation insurance, \$1,000 increase in the personnel benefit program and \$900 increase for the dispatch contract.

Refuse and Garbage is down \$5.00 per unit due to the application of unexpended balance to a rate of \$110.00 per unit.

The Sewer District #2 budget will be dismantled after this year as it has been turned over to the County. The County will receive \$90,000 in Community Development Building Grant Funds allocated to the District and any remaining balance will be returned to the homeowners in that district.

In Water District #2 we have lowered unit charges 10%.

In Water District #1 Extension the rate is lowered \$.24 per thousand due to an increase in units.

In Water District #2 Extension the tax remains the same at \$5.90 per thousand with service and \$.72 per thousand per parcel without service. We have also budgeted \$159,000 toward a line extension in this district.

In Water District #3 the rate is \$5.43 per thousand for a unit with service. Homes without service in the district will not pay any tax this year.

In summary, I feel that this submitted budget is responsible and cost effective. Despite reductions in many of the rates sufficient fund balance is retained in order to insure fiscal stability for the residents of our town.

The 2002 Preliminary Budget was presented by Supervisor Rood.

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the 2002 General Fund Preliminary Budget be approved as follows:

Appropriations 1,234,206.00
Less Estimated Revenue 673,820.00
Less Unexpended Balance 385,000.00
Amount to be Raised by Taxes 175,386.00
four (4) Ayes Carried

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A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2002 Highway Fund Preliminary Budget be approved as follows:

Appropriations 904,565.00
Less Estimated Revenue 353,395.00
Less Unexpended Balance 00.00

Amount to be Raised by Taxes 551,170.00

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the 2002 Fire Protection Preliminary Budget be approved as follows:

Appropriations 500,847.00

Less Estimated Revenue 00.00

Less Unexpended Balance 26,150.00

Amount to be Raised by Taxes 474,697.00

four (4) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 2002 Light District Preliminary Budget be approved as follows:

Appropriations 26,378.00

Less Estimated Revenue 00.00

Less Unexpended Balance 00.00

Amount to be Raised by Taxes 26,378.00

four (4) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Mead that the 2002 Ambulance Preliminary Budget be approved as follows:

Appropriations 111,977.00

Less Estimated Revenue 00.00

Less Unexpended Balance 20,000.00

Amount to be Raised by Taxes 91,977.00

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the 2002 Refuse and Garbage Preliminary Budget be approved as follows:

Appropriations 352,625.00

Less Estimated Revenue 00.00

Less Unexpended Balance 42,315.00

Amount to be Raised by Taxes 310,310.00

four (4) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Tills that the 2002 Sewer District #2 Preliminary Budget be approved as follows:

Appropriations 94,983.00

Less Estimated Revenue 00.00

Less Unexpended Balance 94,983.00

Amount to be Raised by Taxes 00.00

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the 2002 Water District #1 Preliminary Budget be approved as follows:

Appropriations 79,314.00

Less Estimated Revenue 00.00

Less Unexpended Balance 20,000.00

Amount to be Raised by Taxes 59,314.00

four (4) Ayes Carried

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A motion was made by Councilman Mead and seconded Councilman Tills that the 2002 Water District #2 Preliminary Budget be approved as follows:

Appropriations 57,887.00

Less Estimated Revenue 00.00

Less Unexpended Balance 16,521.00

Amount to be Raised by Taxes 41,366.00

four (4) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2002 Water District #1 Extension Preliminary Budget be approved as follows:

Appropriations 7,215.00

Less Estimated Revenue 00.00

Less Unexpended Balance 00.00

Amount to be Raised by Taxes 7,215.00

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead that the 2002 Water District #2 Extension Preliminary Budget be approved as follows:

Appropriations 190,769.00

Less Estimated Revenue 00.00
Less Unexpended Balance 00.00
Amount to be Raised by Taxes 190,769.00

four (4) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2002 Water District #3 Preliminary Budget be approved as follows:

Appropriations 141,554.00
Less Estimated Revenue 00.00
Less Unexpended Balance 94,325.00
Amount to be Raised by Taxes 47,229.00

four (4) Ayes Carried

Town Clerk Shenk read the 2002 Preliminary Budget totals:

Appropriations 3,702,320.00
Less Estimated Revenue 1,027,215.00
Less Unexpended Balance 699,294.00 Amount to be Raised by Taxes 1,975,811.00

A motion was made by Councilman Mead and seconded by Councilman Tills to direct Town Clerk Shenk to schedule a Public Hearing on November 7, 2001, at 7:45 p.m. for the 2002 Preliminary Budget.

four (4) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Simmeth that the 2002 schedule of proposed salaries for the elected Town Officials be approved as follows:

Supervisor 27,470.00

Councilman 7,110.00

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Town Clerk 35,460.00

Town Justice 12,215.00

Town Justice 12,215.00

Superintendent of Highways 39,785.00

four (4) Ayes Carried

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SUPERVISOR REPORT

Supervisor Rood reported that she met with Nussbaumer & Clarke Engineers and preparations for the EPS Study required by Orchard Park for the East Hill Water Project are complete and favorable to go forward with the project.

TOWN CLERK REPORT

Town Clerk Shenk reported School Taxes are due Monday, October 15, 2001. The Town Clerk's office will be open for the collection of Hamburg School taxes on Thursday and Friday October 11th and 12th until 8:00 p.m. and on Monday October 15th until 9:00 p.m.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender announced that the last brush pick-up of the season is in process.

TOWN ATTORNEY REPORT

Town Attorney Perley commended the Supervisor and the Highway Superintendent on the preparation of the 2001 budget noting that the manner in which it is comprised speaks well of the operation of the town and the operation of the Highway Department. Doing rough calculations it would appear that our assessed valuations grew by about 2% last year and the General Fund budget went down by 4%. This speaks well for the operation of the government given the fact that we have increased utility cost and other items.

COUNCILMAN REPORT

Councilman Mead reported that the Boston Chamber of Commerce annual German Night dinner meeting is October 18th at the Olde Liberty Tavern.

Councilman Simmeth reported that the Town Engineer received and briefly reviewed information on initial drainage calculations for Hickory Meadows subdivision and discussed potential approaches to resolve the piping issue with Town Attorney Perley. A meeting will be set for next week regarding this issue.

Councilman Tills reported that Adelphia Cable has increased the rate for Powerlink subscribers to 10%. Subscribers having basic or digital service have been given a special 7½% rate increase.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for September 2001 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officers monthly report for September 2001 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for September 2001 was received and is on file in the Clerk's Office.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adjourn the meeting at 8:20 p.m.

DAVID J. SHENK, BOSTON TOWN CLERK