

Town Board Minutes October 4, 2000

REGULAR BOARD MEETING TOWN HALL

OCTOBER 4, 2000 7:30 P.M.

Present were Councilman Damian P. Wiktor, 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.

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

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the September 20, 2000 meeting.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Wiktor, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #10, dated October 4, 2000 in the amount of \$96,577.88 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the Highway Bills on Abstract #10, dated October 4, 2000, amount of \$4,093.51 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk's Report for September 2000.

five (5) Ayes Carried

Received a letter from Arthur Meindl, 7189 Parkside Avenue, regarding use of his property for a town turnaround.

Town Attorney Perley commented that he has prepared an easement and will try to meet with Mr. Meindl on Friday. Presently the town is asking Mr. Meindl to grant a right a way to the town for highway purposes without paying consideration. Town Attorney Perley asked the Town Board to consider compensating Mr. Meindl for the right a way and this negotiated matter could be subject to executive session.

REQUESTS FROM THE FLOOR

Herbert Klein, 7690 Back Creek Road: Regarding my property at 7438 Heinrich Road. We have been flooded four times since November 1999. The ravine through our property comes off the 219 expressway and drains from the Feddick, Mayer Road area. A NYS DOT engineer and I walked the 219 and investigated the drainage. The engineer suggested that I approach the Town Board for assistance in building a box culvert with a drop inlet and a twelve-inch pipe. Regular drainage could pass through but in the case of a storm half the water would be diverted along the west side of the southbound lane of the 219. The rest would drop in the inlet and go through our property. I would like the drainage committee to investigate this problem.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to adopt Local Law #2 to amend various chapters of the Boston Town Code with the purpose of incorporating a schedule of fees.

five (5) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Mead to adopt Local Law #3 to establish a unified schedule of fees for the Town of Boston.

five (5) Ayes Carried

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Received an application from Norman Dotzler, 8381 Boston State Road for a Site Plan Review to erect a service metal building.

Norman Dotzler, 8381 Boston State Road, requested permission to place a storage container on his property to hold his inventory during the process of renovating his present building and the construction of an additional building. The anticipated completion for construction would be spring or summer of 2001.

A motion was made by Supervisor Rood and seconded by Councilman Tills to refer the application from Norman Dotzler, 8381 Boston State Road for a Site Plan Review to the Planning Board for review and recommendation.

five (5) Ayes Carried

Town Attorney Perley noted that placing a storage container on the property at 8381 Boston State Road, to be used incidental to construction, is deemed a permitted use, not allowed until Site Plan approval, not to exceed a period of one year and to cease immediately upon completion of the building.

Received and filed a Planning Board recommendation of approval for the Connecticut Housing Corporation (People Inc.) Site Plan for vacant land on Mill Street, contingent on the drainage to be elevated on the northwest corner of the property with water runoff in a southerly direction to the road and outdoor lighting is to be comparable to residential outdoor lighting.

Town Attorney Perley commented that the lighting issue is an aesthetic issue but the drainage issue can be addressed by approval of the Town Engineer.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to table the application of Connecticut Housing Corporation (People Inc.) for vacant land on Mill Street, pending review of drainage studies by the Town Engineer.

five (5) Ayes Carried

Supervisor Rood read her summary of the Town of Boston Fiscal Budget for 2001 as follows:

In presenting our Town's Year 2001 budget, I am pleased to be able to reduce our General Fund tax to 74 cents.

Our General Fund appropriations are up \$146,523 mainly due to capital improvements including a new air conditioning and heating system for the Town Hall and a restroom/storage building in the Town Park. Costs for the new building will be offset by grants totaling \$25,000. \$23,000 budgeted for our new Master plan is offset by a grant from the County, \$4,000 is also budgeted for upgrading our zoning codes.

This year our town insurance goes out to bid and our consultant has indicated that there will most likely be an increase in our cost due to an overall rate increase in the insurance market and therefore we budgeted accordingly.

We have also had unusually high county chargebacks totaling \$8,672 to General Fund and also to the Fire Protection District of \$3,300. \$8,500 has been budgeted for the purchase of property to annex our current town park property to fully complete the nature trail to Hillcroft Drive.

There is a 3% raise to most town employees included in this budget and by shifting payroll responsibilities to my assistant and bookkeeper we're realizing a savings of \$8,261 in a cut to a part time clerk's hours.

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Summary of 2001 Budget (Cont.):

We are developing a Meals on Wheels program and have dedicated \$500/yr. for that.

The Highway Tax this year will increase by 24 cents to \$2.49/thousand to properly reflect the current expenditures including rising fuel costs, projected wage increases, medical insurance benefits (up to an 18% increase) and new equipment payments. \$200,000 of fund balance is designated for major road repair next year also.

In the special districts portion of this year's fiscal plan our Fire Protection District tax is at \$1.98 with each of the three fire companies receiving \$100,130 as per our contract for the year 2001.

The Light District is up 3 cents due to energy costs.

The Ambulance District tax is at .31, remaining the same as last year.

Our Refuse and Garbage District tax is down \$5 per unit to \$115 a year due to a favorable 3-year contract with BFI.

Our Sewer District #2 is being turned over to the County and so we will no longer collect taxes on it.

In Water District #1 the rate remains at .50 cents.

In Water District #2 we have a cushion of unexpended balance and so we are reducing this tax by 5% to all homes and properties in this district.

The rate of 3.04 remains the same in Water District #1 Extension.

In Water District #2 Extension the rate also remains the same at 5.90 w/service and .72 w/out service.

Water District #3 will not be taxed in 2001.

Supervisor Rood read a summary of the Town of Boston 2001 tax rates in comparison to 2000 tax rates.

The 2001 Preliminary Budget was presented by Supervisor Rood.

A motion was made by Councilman Wiktor and seconded by Councilman Tills that the 2001 General Fund Preliminary Budget be approved as follows:

Appropriations 1,276,304.00
Less Estimated Revenue 711,770.00
Less Unexpended Balance 385,000.00
Amount to be Raised by Taxes 179,534.00
five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 2001 Highway Fund Preliminary Budget be approved as follows:

Appropriations 1,178,091.00
Less Estimated Revenue 307,000.00
Less Unexpended Balance 270,000.00

Amount to be Raised by Taxes 601,091.00

five (5) Ayes Carried

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A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2001 Fire Protection Preliminary Budget be approved as follows:

Appropriations 544,997.00

Less Estimated Revenue 00.00

Less Unexpended Balance 30,000.00

Amount to be Raised by Taxes 514,997.00

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 2001 Light District Preliminary Budget be approved as follows:

Appropriations 24,800.00

Less Estimated Revenue 00.00

Less Unexpended Balance 00.00

Amount to be Raised by Taxes 24,800.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills that the 2001 Ambulance Preliminary Budget be approved as follows:

Appropriations 112,175.00
Less Estimated Revenue 00.00
Less Unexpended Balance 30,000.00
Amount to be Raised by Taxes 82,175.00

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills that the 2001 Refuse and Garbage Preliminary Budget be approved as follows:

Appropriations 348,875.00
Less Estimated Revenue 00.00
Less Unexpended Balance 27,910.00
Amount to be Raised by Taxes 320,965.00

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2001 Sewer District #2 Preliminary Budget be approved as follows:

Appropriations 94,919.00
Less Estimated Revenue 00.00
Less Unexpended Balance 94,919.00
Amount to be Raised by Taxes 00.00

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 2001 Water District #1 Preliminary Budget be approved as follows:

Appropriations 88,265.00
Less Estimated Revenue 00.00
Less Unexpended Balance 20,000.00
Amount to be Raised by Taxes 68,265.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded Councilman Mead that the 2001 Water District #2 Preliminary Budget be approved as follows:

Appropriations 71,629.00
Less Estimated Revenue 00.00
Less Unexpended Balance 25,864.00
Amount to be Raised by Taxes 45,765.00

five (5) Ayes Carried

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A motion was made by Councilman Tills and seconded by Councilman Simmeth that the 2001 Water District #1 Extension Preliminary Budget be approved as follows:

Appropriations 7,755.00
Less Estimated Revenue 00.00
Less Unexpended Balance 00.00
Amount to be Raised by Taxes 7,755.00

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead that the 2001 Water District #2 Extension Preliminary Budget be approved as follows:

Appropriations 30,681.00
Less Estimated Revenue 00.00
Less Unexpended Balance 00.00
Amount to be Raised by Taxes 30,681.00

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Mead that the 2001 Water District #3 Preliminary Budget be approved as follows:

Appropriations 107,920.00
Less Estimated Revenue 107,920.00
Less Unexpended Balance 00.00
Amount to be Raised by Taxes 00.00

five (5) Ayes Carried

Supervisor Rood read the 2001 Preliminary Budget totals:

Appropriations 3,886,411.00
Less Estimated Revenue 1,126,690.00
Less Unexpended Balance 883,693.00 Amount to be Raised by Taxes 1,876,028.00

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth that the 2001 schedule of proposed salaries for the elected Town Officials be approved as follows:

Supervisor 26,670.00

Councilman 6,900.00

Councilman 6,900.00

Councilman 6,900.00

Councilman 6,900.00

Town Clerk 34,430.00

Town Justice 11,860.00

Town Justice 11,860.00

Superintendent of Highways 39,785.00

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to direct Town Clerk Shenk to schedule a Public Hearing on November 1, 2000, at 7:45 p.m. for the 2001 Preliminary Budget.

five (5) Ayes Carried

PROCLAMATION NATIONAL 4-H WEEK ? OCTOBER 1-7, 2000

SUPERVISOR REPORT

Supervisor Rood reported that she attended the Retired and Senior Volunteer Program Luncheon on September 22, 2000, which included Nutrition and Rural Transit, volunteers.

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SUPERVISOR REPORT (CONT.):

Supervisor Rood gave an electrical work update noting that telephone lines have been installed on poles in the town park, overhead service has been installed at the State Trooper Barracks, and poles for lights in front of the Town Hall and tennis courts will be installed in the next few weeks.

TOWN CLERK REPORT

Town Clerk Shenk reported that School taxes are due October 16, 2000. The Town Clerk's office will be open for the collection of the Hamburg School taxes on Saturdays October 7 and 14 from 9:00 am to 3:00 pm, until 8:00 p.m. on Thursday October 12th and Friday the 13th and until 9:00 p.m. on Monday, October 16th.

Town Clerk Shenk reported that flu shots will be available at the Boston Town Hall on November 17, 2000 from 10:00 am to 2:00 p.m.

HIGHWAY SUPERINTENDENT REPORT

A motion was made by Councilman Simmeth and seconded by Councilman Tills to authorize Highway Superintendent Kreitzbender to advertise for bids for sodium chloride and schedule a bid opening for October 30, 2000 at 10:00 a.m.

five (5) Ayes Carried

Highway Superintendent Kreitzbender reported that he met with representatives from the Town of Concord and Erie County to discuss the snow contract and snow blowers for the Towns of Boston and Concord. The towns will receive \$1,000 for maintenance on the snow blowers, which are used on county roads.

TOWN ATTORNEY REPORT

RESOLUTION 2000-38 SCHEDULE OF FEES

Town Attorney Perley noted that the Town Board referred to him a matter involving property owned by the Hillmans at 6761 Liebler Road, requesting research as to what the town's responsibility was with respect to a drainage problem coming from the runoff on Liebler Road. Town Attorney presented to the Town Board, the Highway Superintendent and the Town Clerk, a letter that indicates that the Town of Boston and the Boston Highway Department has a constitutional and statutory responsibility to provide safe roadways. Surface water runoff, based upon an improvement of a highway, does not create a liability on the Town of Boston for a drainage problem on adjoining property. Article 8, Section 1, of the Constitution of the State of New York prohibits the Town of Boston from providing gifts or aid to private individuals. Since there is no town interest, it is the legal opinion of Town Attorney Perley that the Town must decline the Hillmans request for assistance at this time. This opinion is subject to revision based upon facts or circumstances not considered.

COUNCILMAN REPORT

Councilman Mead reported that after working with the Grants Consultant, all three town parks will have additional playground equipment and with the help of the Highway Department the equipment will be installed soon.

Councilman Simmeth commented that Amherst taxes are going and also there is a \$40.00 increase in their refuse and garbage tax. Councilman Simmeth thanked Town Attorney Perley for his help in negotiating the BFI Refuse and Garbage contract for the Town of Boston.

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COUNCILMAN REPORT (CONT.):

Councilman Tills reported that the Christmas Lighting Committee is busy and the lighted Christmas decorations are scheduled to be put up on November 17, 2000. There are two new displays, a caroler and a horse and sleigh. The nativity scene will be placed in Patchin this year.

Councilman Tills reported that the Adult Soccer Program has been extended an additional six weeks.

Town Attorney Perley noted the Town of Aurora is facing substantial budgetary difficulties. The Boston Town Board and the Supervisor are to be commended for the way they have maintained the fund balances and maintained a stable tax rate.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for September 2000 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officers monthly report for September 2000 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for September 2000 was received and is on file in the Clerk's Office.

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

DAVID J. SHENK, BOSTON TOWN CLERK