

Town Board Minutes October 6, 2004

Present were Councilman Brien M. Hopkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Councilman Richard K. Hawkins, Supervisor William A. Eagan, Highway Superintendent Richard A. Poore and Town Attorney Kelly A. Vacco.

Reverend Ronald Sprehe, St Martin's Lutheran Church opened the meeting with a prayer.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the September 15, 2004 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board, that fund bills on the Abstract dated September 30, 2004 in the amount of \$68,148.09 be paid.

five (5) Ayes Carried

Received and filed liquor license renewal from Val-lee Pizzeria, 8407 Boston State Road,

Received and filed letter from Senator Volker acknowledging receipt of communication opposing the recent changes involving the disposition of vehicle and traffic justice court fines.

Received and filed letter from New York State Department of State regarding annual reporting of wild animals.

Received and filed letter from Erie County Legislature regarding the transfer of ownership of Boston Sewer Districts # 1,3 & 4.

REQUESTS FROM THE FLOOR

Clive Rucker, 6910 Boston Cross Road thanked Highway Superintendent Poore for taking care of the floodwater problems we had in May.

Eric Johnston, 7965 Zimmerman Road: I unfortunately pay Eden School Taxes. I was told that Boston doesn't pay the whole STAR benefit that it could.

Supervisor Eagan: If you are a senior, the maximum enhanced STAR benefit that you can get is based on \$50,000 assessment. The regular homeowner is on basic STAR; which is based on \$30,000 assessment. But, your actual deduction is determined by the equalization rate. So, if you are at 100% equalization, \$30,000 is deducted off your assessment before they apply the school tax. It's the way the State of New York presented the program, if our town is at 70%, you are only going to get 70% of that \$30,000.

Eric Johnston: The business manager of the Orchard Park School explained this to me.

Supervisor Eagan: Your school taxes wouldn't go up if the school didn't ask for more money.

Supervisor Eagan: The Assessor has recommended to this Board and we have approved the update of our assessments. I think you are going to find out that your taxes are not going to change as much as the school district would like you to think they would.

Eric Johnston: My tax bill this year is \$300 more than last year. That's another 20+%. The other information I received from this business manager was that Boston has the 2nd highest tax rate in Erie County.

Supervisor Eagan: No we do not. We are 68 cents per thousand. Town Clerk Shenk and I both have a book that the County puts out that gives every town and city tax rate. We are far from being one of the highest taxed towns in Erie County.

Councilman Simmeth: We might be the second lowest in Erie County.

Town Clerk Shenk told Mr. Johnston to see him after the meeting if he would like to look at the book from Erie County.

Christina Apt, Senior Legislative Aid for Legislator Jeanne Chase: Due to unforeseen medical problems Legislator Chase could not be here tonight. We just wanted to give an update on the Omphalius Road project. I received an E-mail today from Charlie Sickler, Department of Public Works giving us an update. Diamond D construction has agreed to finish the project by the 29th of October. This is the deadline. At this point, they have one person that is completely devoted to the finish work in areas where there is no more construction to be done. They are also working on replacing top of the portion of the 6-foot shoulder that only had binder on it. A survey crew was staking out the remaining road and drainage work. We have taken on some of the work in an attempt to get it done and serve the constituents in a better manner than they've been served, two of those being Jeanne Heckmiller at 6841 Omphalius and Donald Delmonto at 6588 Omphalius. We have spoken to the constituents that have been very unhappy and have tried to help them to the best of our ability and I think at this point they are all reasonably satisfied.

Councilman Hawkins: Does that include the road-closed sign that is at the bottom of Omphalius and the two DI's that are sitting there along side the road? There will be problems if it snows before they are put in the ground.

Christina Apt: My understanding is that by the end of the month everything will be in an order that will be acceptable to get through the winter.

Supervisor Eagan: When that phase of the work was completed on Omphalius, just before you get to Eddy Road, you can see the difference in the pavement. As you start up that hill at the point of the new pavement, and you see many of the mailboxes on the North side, there are a lot of problems because they put the gutter curbs in and then blacktopped the homeowners side of that shoulder from the gutter curb another four or five feet and then put the mailboxes up. When plows go down Omphalius,

they don't plow beyond the pavement so all that snow is piling up. I know we are going to have the same problem this year and would like to see the County go out there and put all those mailboxes back so these people don't have to fight with the snow.

Christina Apt: I will put it on the list and talk to Charlie Sickler in the morning. I can't answer you myself, but will try to make that happen.

Supervisor Eagan: You mentioned the Delmonto property. Is that up near the white house where they covered that ditch recently?

Christina Apt: I'm not sure. He had a driveway and ditch issue.

Supervisor Eagan: That was quite excessive work done. I was going to call Charlie and ask him. The other thing that was noted is that equipment is allegedly from County Highway Department in Cheektowaga.

Christina Apt: The point being?

Supervisor Eagan: We just couldn't understand why the County would come out and do the extensive drainage ditch work with more culverts. I don't remember the plans calling for that much more culvert pipe, which would add to more expense. As I know, there was recently a \$300,000 change order in that project. I just wanted to make sure we weren't paying for something on someone's private property.

Christina Apt: You are not paying for anything on anyone's private property. The work that we did was work that needed to be done in order to complete the project and make sure that the property was put back to the form that it needed to be in order for the constituents to be happy with the road the way it should be.

Supervisor Eagan: I believe the county did that work, so is there any additional charge to that project?

Christina Apt: There was no additional charge, and the work that was done by the County was work that needed to be done in order to finish the roadwork properly. That was our goal. Also, from the part of our own office, we inherited this problem with the re-districting. I would just like to go on record as saying that while this project has been outrageously long in everyone's opinion in getting it done, we really did our best to try to answer all of your constituents. I think you would be hard pressed to find someone that didn't feel when they called us we at least tried to make something better happen. If some thing is wrong and it's a County issue, don't hesitate to call. If we can try to make it better, we will.

Ed Mye, 9235 Dunn Road: Mr. Eagan, you stated to me a few months ago, before I became the Deputy Highway Superintendent, that there was stone appropriated for Dunn Road's repair under Former Highway Superintendent Kreitzbender.

Supervisor Eagan: If that is what he told me, I probably passed that information on to you.

Ed Mye: I have not found anywhere or any information from the Engineers that stone was appropriated for that purpose. That is what you told me was going to go on down there.

Supervisor Eagan: I would have told you what I heard. I don't work in the Highway Department, but if Highway Superintendent Poore says to me he has stone for a job or pipe, I'm not going to question that.

Ed Mye: Doesn't that have to come through you for any purchasing for that?

Supervisor Eagan: No. The process in the Highway Department at that time was for the Highway Superintendent to purchase the stone as he sees fit.

Ed Mye: Without engineering?

Supervisor Eagan: The only reason that engineering was down there was because of the unusual situation you had with an old dirt road. To try and say that I had anything to do with purchasing or the reconstruction of the road is incorrect.

Ed Mye: My concern was that I asked about what was going on with the road and one of your results was that former Highway Superintendent Kreitzbender had purchased the stone to repair the road which didn't get installed while he was in office. I was just curious as to what was going on.

Supervisor Eagan: I don't know if the stone may have been inadvertently used for another project. That is really a Highway Department issue. We cannot give the Highway Superintendent a directive to fix anything. He is in his own autonomy own separate state law. Whatever former Highway Superintendent Kreitzbender was doing at the time along with Foit-Albert, perhaps you should contact them and find out to what degree they had discussions. Because of the issues that took place in the Highway Department we have now changed the purchasing procedures. We are more watchful and attentive to what is going on there. We didn't have those checks and balances then.

Ed Mye: Was anyone on the board approached by the schools to see if they could bring a bus down there and what they need for that. The Board told me at that time they were going to pursue that and I haven't heard any information.

Supervisor Eagan: There was a letter from the school. Regardless of what we did to the road, there was question as to whether they would ever come down in the first place.

Highway Superintendent Poore: There was a meeting and a letter requesting that we try to get school buses down there. This took place before I was in office. We did have a meeting with the Superintendent of Schools and the Superintendent of Transportation in Springville-Griffith Institute. Foit-Albert, myself and at the time Deputy Highway Superintendent Hirsh had a meeting and discussed all the possibilities that could be done. I can't answer Ed Mye's question because the records that we have left in the Highway Department after the turmoil that we went through, are almost non-existent.

Supervisor Eagan: Are you saying that the District Attorney's office didn't return records to you?

Highway Superintendent Poore: I'm not saying that. I'm saying that they have come back in boxes, empty files, and there were some that were brought back before I was appointed. The files come back in shambles. I have very few files and every day we find bits and pieces.

Supervisor Eagan: You could go look through boxes for receipts.

Ed Mye: Where does the Board stand with the safety issue on the road? It's a safety issue as much as it is a bussing issue.

Councilman Hawkins: When they had that meeting with the school and the Engineers, they came back with two or three different proposals. There was a short-term fix and a long-term goal. I don't think we heard anything more from the situation after they met with the school. This is the first I heard that there was any stone actually purchased.

Ed Mye: I was told at a previous meeting that the stone was purchased.

Supervisor Eagan: We can check the minutes to see when that was said. But, I can assure you that if I repeated it the only way I would have that information is if I was told that by someone in the Highway Department or Foit-Albert.

Ed Mye: You told me that former Highway Superintendent Kreitzbender told you the stone was purchased.

Supervisor Eagan: You are in the Highway Department now, so I guess you can rectify that. We've always said that we are interested in fixing any problems that occur like that. I think that by virtue of putting our Engineering Consultants on it to that extend is about what we can do in trying to assist the Highway Department.

Councilman Hawkins: Wasn't the final decision up to the school?

Supervisor Eagan: The original issue was they wouldn't come down that street because of the unsafe conditions of the road. It was too narrow for a school bus to pass. All the issues, I thought, were addressed. Unless the Highway Department reports back to us as to what the status is we assume everything is moving along.

Ed Mye: We haven't heard anything back from Foit-Albert on what their next proposal is. We did hear that it was a major repair, over 1 million dollars.

Supervisor Eagan: Call them tomorrow and find out. You are in a position now where you can deal directly.

At 7:56 p.m., a Public Hearing was held to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects, which would benefit low and moderate-income persons in the Town of Boston.

Supervisor Eagan read the legal notice

Supervisor Eagan noted that the largest project that was given was two years ago for assistance for the Wildwood Drive erosion program. This year we talked about getting handicapped accessibility to the back entrance area for our seniors that meet here for lunch and club meetings as well as replacing the sidewalk that leads to those center doors in the back.

Dennis Kramer, 9495 Boston State Road: One of my concerns in the hamlet of Boston from Boston Square going South on Boston State Road up to the Southtown Rural Preservation Building is the people walking there and the horrible condition of the sidewalk. People have to walk on the shoulder of the road because the sidewalk is in terrible condition. It's all busted up and difficult to walk on. Some people try to maintain it and open it up with snow blowers in the winter. This is also a difficult task. We have presented to the Planning Board and it will come before the Town Board. I just received the plans the other day for an additional nine units at the Southtown Rural Preservation. Basically those units will find a lot of elderly, possibly people that wouldn't be able to walk down to the store. I feel that some of that money could be well spent if we did some sidewalk repair through that area.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to close the public hearing at 8:00 p.m.

five (5) Aye Carried

A motion was made by Councilman Hopkins and seconded by Supervisor Eagan to approve the membership of Danielle Gabel to the Boston Emergency Squad.

five (5) Ayes Carried

Received letter from Ronald Gottstine, 8980 Rockwood Road, requesting a 3rd Accessory Building.

Supervisor Eagan asks Code Enforcement Officer Kramer's opinion on this matter,

Code Enforcement Officer Kramer: I was at Mr. Gottstine's property. He has two small buildings and has built a 16x20 building around a pond site. Because of the location of the buildings, and because they are very secluded in the wooded areas they are not visible from the road. I really don't have a problem with it. Mr. Gottstine is here tonight to answer questions for you.

Councilman Mead: This building is back far enough that you don't really see it from the road.

Ron Gottstine, 8980 Rockwood Road: I did bring a photograph of my back yard. The building cannot be viewed from any of my neighbor's properties. It is a very wooded and secluded area that it can't be seen from any other property.

Councilman Mead: My understanding is that it is already built.

Ron Gottstine: Yes, it's not complete, but underway.

Supervisor Eagan: Everything was taken care of on that as far as an application goes.

Code Enforcement Officer Kramer: I had to cite Mr. Gottstine for building without a permit. He has a court date on November 18th. If it's approved here tonight, I will inform the judge and be able to issue a building permit.

Councilman Hawkins: How much land do you have?

A Mr. Gottstine: 12 acre, most of it is wooded.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve the request of Ronald Gottstine of 8980 Rockwood Road for a third accessory building.

five (5) Ayes Carried

RESOLUTION 2004-24 AUTHORIZING THE TOWN SUPERVISOR TO ENDORSE EASEMENTS ASSOCIATED WITH THE EAST HILL WATER DISTRICT NO. 3.

Supervisor Eagan announced that in accordance with Town Law, he, along with the Budget Director, submitted a timely tentative budget to the Town Clerk on September 30, 2004.

Supervisor Eagan read his 2005 Preliminary Budget Summary: Since taking office in January 2002, I have put into place many changes on how we manage Boston's finances which were praised by the State Auditors. Today, we now have an accountant instead of a bookkeeper. We have new software to help us properly maintain our financial records. We have diversified our financial portfolio. Department heads receive mid-year budget status reports. The experience earlier this year with our Highway Department

mandated several changes in inventory control and spending procedures within that department. I don't think anyone will ever accuse me of trying to micro-manage the Highway Department or other departments for that matter. Inventory has been taken and is now being managed more closely. A surprise inventory audit can happen any time as a result of the various changes made in our Highway Department. Purchasing policies have been upgraded to better monitor spending. In my review of this year's budget request, I found it necessary to make reductions in many areas, one of which I thought this Board had previously agreed to concerning a paid Parks Superintendent. When we hired our acting Highway Superintendent Poore, he was hired at \$43,500 and told that he would be responsible for our Town Parks with no additional compensation. This would mean a savings of \$5,000 for the town. This is not uncommon in many other communities. Had I not held budget reviews with each department, their budget request, if applied to the budget process as submitted, would have caused our general town tax increase from 68 cents to 82 cents per thousand of assessment. This translates into a 20 percent increase. Approximately \$30,000 in expenditures was removed from the General Fund. The reduction does not affect services to the community nor does it curtail job performance. In the General Fund, I disallowed the 50 percent wage increase requested by our Code Enforcement Officer as well as the 30 percent wage increase requested by our new Recreation Director. I reduced outside accounting fees by \$2,000 because our Town Accountant, Kathy Selby, has the qualifications and experience to do our annual financial report. Audit fees were reduced by \$4,000. This money was re-allocated for a deposit for a long-needed Dog Control van. I have \$100,000 allocated for flood and erosion problems. In addition, I allocated \$30,000 for drainage, which is an increase of \$10,000.

Supervisor Eagan Cont'd: I was able to accomplish this without causing taxes to rise. I am making proper use of our surplus funds and not attempting to use them recklessly as was suggested by certain individuals last year at this time. Surplus funds are best used to recover required matching funds for grants and various emergencies and never should be committed to a use that would only drain such funds. In conclusion, I am proposing the same general town tax rate of 68 cents per thousand.

The Highway budget submitted by acting Highway Superintendent Poore requests an increase in spending over \$169,000. Between his Highway Superintendent salary and Parks Superintendent salary request, acting Highway Superintendent Poore requested a 15 percent pay hike. His budget would have a \$3.14 tax rate per thousand for a 28% increase over our current year tax of \$2.42. I am proposing in this year's Highway budget a decrease of \$80,000 in requested funds for machinery, equipment and contractual. If any department is well equipped it's our Highway Department in the Town of Boston. Under roadwork, I have reduced his request by \$45,000 by reclassifying road projects to utilize the unused 2004 budget road funds. There is approximately \$144,000 of paving and road repair monies in this year's budget alone that Mr. Poore did not use. In the 2005 budget, we will be entitled to approximately \$44,000 in CHIPS Grant money. No one should accuse me of taking money away from roadwork. Highway Superintendent Poore has also budgeted for an additional motor equipment operator at a base pay of approximately \$40,000. We currently have six MEO employees in a department of eight workers. Due to the inflated hours shown in the Department's past history, his Highway overtime request of 375 hours per man was also reduced. As a result of our review, I was able

to reduce Highway expenses and appropriate most of the limited fund balance all without reducing services. The savings to tax payers is approximately \$169,000. This allows for a modest increase of 2%, which reflects an increase of 6 cents to \$2.48 per thousand. With the state attempting to reach deeper into our pockets, increases in utility, fuels and insurances, trying to keep property taxes under some sense of control becomes a much greater challenge each year. When responsible people work together, responsible results occur. I would like to publicly thank Julie Costello, Department heads, and especially Town Accountant Kathy Selby.

Supervisor Eagan asks Kathy Selby to pass out a worksheet to the audience members that reflect of his comments. Supervisor Eagan stated that this is work in progress. There are no raises in any taxes officially until we approve a final budget in November.

Supervisor Eagan stated that if anyone had any questions on the budget or how it was completed, to please feel free to call his office.

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 2005 General Fund Tentative Budget be approved as follows:

| | |
|------------------------------|-----------|
| Appropriations | 1,501,390 |
| Less Estimated Revenue | 821,200 |
| Less Unexpended Balance | 500,000 |
| Amount to be raised by Taxes | 180,190 |

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilman Mead that the 2005 Highway Fund Tentative Budget be approved as follows:

| | |
|------------------------|-----------|
| Appropriations | 1,121,196 |
| Less Estimated Revenue | 403,300 |

Less Unexpended Balance 65,000
Amount to be raised by Taxes 652,896

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Supervisor Eagan that the 2005 Fire Protection Tentative Budget be approved as follows:

Appropriations 670,000
Less Estimated Revenue 0
Less Unexpended Balance 10,000
Amount to be raised by Taxes 660,000

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead that the 2005 Light District Tentative Budget be approved as follows:

Appropriations 20,000
Less Estimated Revenue 0
Less Unexpended Balance 0
Amount to be raised by Taxes 20,000

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth that the 2005 Ambulance Tentative Budget be approved as follows:

Appropriations 92,538
Less Estimated Revenue 0
Less Unexpended Balance 10,000
Amount to be raised by Taxes 82,538

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead that the 2005 Refuse and Garbage Tentative Budget be approved as follows:

Appropriations 370,000
Less Estimated Revenue 0
Less Unexpended Balance 20,000
Amount to be raised by Taxes 350,000

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilman Mead that the 2005 Water District #1 Tentative Budget be approved as follows:

Appropriations 72,910
Less Estimated Revenue 0
Less Unexpended Balance 10,000

Amount to be raised by Taxes 62,910

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded Councilman Mead that the 2005 Water District #2 Tentative Budget be approved as follows:

| | |
|------------------------------|--------|
| Appropriations | 51,318 |
| Less Estimated Revenue | 0 |
| Less Unexpended Balance | 10,000 |
| Amount to be raised by Taxes | 41,318 |

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth that the 2005 Water District #1 Extension #1 Tentative Budget be approved as follows:

| | |
|------------------------------|-------|
| Appropriation | 6,423 |
| Less Estimated Revenue | 0 |
| Less Unexpended Balance | 0 |
| Amount to be raised by Taxes | 6,423 |

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth that the 2005 Water District #2 Extension #2 Tentative Budget be approved as follows:

Appropriations 30,557
Less Estimated Revenue 0
Less Unexpended Balance 0
Amount to be raised by Taxes 30,557

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins that the 2005 Water District #3 Tentative Budget be approved as follows:

Appropriations 173,500
Less Estimated Revenue 0
Less Unexpended Balance 0
Amount to be raised by Taxes 173,500

five (5) Ayes Carried

Town Clerk Shenk read the 2005 Tentative Budget totals:

Appropriations 4,109,832
Less Estimated Revenue 1,224,500
Less Unexpended Balance 625,000
Amount to be Raised by Taxes 2,260,332

A motion was made by Councilman Simmeth and seconded by Councilman Mead that the 2005 schedule of proposed salaries for the elected Town Officials be approved as follows:

| | |
|----------------------------|--------|
| Supervisor | 27,470 |
| Councilman | 7,325 |
| Town Clerk | 38,300 |
| Town Justice | 12,900 |
| Town Justice | 12,900 |
| Superintendent of Highways | 43,500 |

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule at public hearing on November 3, 2004 at 7:45 p.m. to hear public comments regarding the 2005 tentative budget.

five (5) Ayes Carried

Supervisor Eagan: Regarding Resolution 2003-26, authorizing the Town of Boston to enter into an informal municipal agreement assisting the Town of Orchard Park in maintaining route 219 as a scenic highway; I believe that this was actually to subsidize part of Orchard Park's legal costs for defending their sign code as to the constitutionality of it. I asked that this be put on the agenda at our agenda

review meeting. In respect to Councilman Simmeth, I believe at the time, he was not aware of the legality of making such a gesture to Orchard Park. If this were a direct benefit to the Town of Boston, I would offer them \$10,000, if it meant protecting our own sign code. I would like to turn this over to the Town Attorney Vacco.

Town Attorney Vacco: For the record, a more in-depth look into case laws that relates to loaning or giving money to a municipality or public corporation does require a nexus between a direct interest to the town and the reason for expending monies to another town. I believe that the nexus isn't direct enough and would recommend to the Town Board that we rescind the offer to Orchard Park. Contact through the Controllers office and the Attorney General's office has shown that the nexus that we have here really isn't enough. It does not affect the town taxpayers. I apologize for the record if my research was not in-depth enough in the beginning. I believe that this was former Councilman Wiktor's resolution.

Supervisor Eagan: The 219 Scenic By-way is like a consortium committee that we have now between Orchard Park, Boston and Concord that was formed back in 2003. It was initially to obtain a Scenic By-Way status. This really isn't directly involved with that.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to rescind Resolution 2003-26, authorizing the Town of Boston to enter into an informal municipal agreement assisting the Town of Orchard Park Maintaining Route 219 as a Scenic Highway.

five (5) Ayes Carried

Supervisor Eagan referred a letter from Highway Superintendent Poore requesting to purchase products from Richard Cin Sign & Supplies which he has an interest in.

Town Attorney Vacco: I'm going to err on the side of caution. My opinion hasn't changed; I do believe that it's not prudent where an employee of the Town has a business interest and the direct ability to purchase. Highway Superintendent Poore did give me the name and number of someone in Albany who would forward some kind of statute that told me that this was in fact allowable. I've done a great deal of research which indicates that given the situation that we've had in the Highway Department in the past that it would be prudent not to go forward and allow the Highway Superintendent to purchase signs from Richard Cin Sign & Supplies. I will, however, contact this individual in Albany and have him

send to me the information that he has as it pertains specifically to Highway Superintendents under the Highway Law. If it changes my mind, I will inform the Board.

Supervisor Eagan: Where does home rule come into play?

Town Attorney Vacco: The home rule would allow us to do something greater. It couldn't make the restrictions less, but it could make the restrictions more. I think the Town Board would be within their rights to put restrictions on that. I believe there is an ethics part in the Town Code as well that may shed light onto this. If the Town Board wants a formal opinion from me on this matter, I would be more than happy to provide one.

Supervisor Eagan stated that he would like Town Attorney Vacco to include in her questions to the state if our home rule will supersede the state so that we are not reducing their authority, just enhancing it for the protection of the community.

Town Attorney Vacco stated she would provide the Board with a formal opinion. She stated that there is a lot of case law and opinions from Controllers and Attorney General's Office that are specific and might allow us to see a case specific incident.

Supervisor Eagan requested Town Attorney Vacco have that by the October 20, 2004 meeting.

SUPERVISOR REPORT

Supervisor Eagan stated that he attended the North Boston Fire Department's 100th anniversary dinner. It was a first class function to honor those who founded the fire department.

Supervisor Eagan complimented those people helping to finish the snack shack. Supervisor Eagan noted that Councilman Hawkins has been working putting up drywall along with Jim Pluta and Mark Coppola. All the electric and plumbing work has been volunteered.

TOWN CLERK REPORT

Town Clerk Shenk noted that School taxes are due Friday, October 15, 2004. The office will be open late on October 13th & 14th until 8:00 p.m. and October 15th until 9:00 p.m.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Poore stated that the drainage ditch between Hillcroft and Rollin Drives is about 85% complete. This should be completed by November 1st. With the drainage ditch being cleaned up and the culverts replaced on Hillcroft and Greenbriar Intersection, there should be no more flooding in that area. There is a drainage ditch and road culvert replacement scheduled for the 18th of October on Park Drive. Culverts will be replaced at the bottom of Liebler Road.

TOWN ATTORNEY

Town Attorney Vacco requested the Town Board authorize her to enter into litigation matter as it relates to the Cronmiller Article 7 tax matter. Town Attorney Vacco stated that she needs authority to sign the document.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to give Town Attorney Vacco the authority to enter into an agreement regarding the Cronmiller Article 7.

five (5) Ayes Carried

Town Attorney Vacco stated that as the Liaison to the Highway negotiations, she continues to work with the Town Board and with the representatives from Local 17. She stated that she can see resolution and that both sides have been working very hard toward that. She is confident that there will be an agreement in the near future.

COUNCILMAN REPORTS

Councilman Mead stated that he had a meeting with the Chamber of Commerce Board and Water Valley Nursery and the rest of the landscaping should commence on either Tuesday or Wednesday of next week. There will also be Christmas trees put out front for the Christmas Lighting Committee to be able to decorate.

Councilman Mead stated that he had received a letter from Roy Scott, the Assistant Director of Regional Services for Codes Division. This letter is in response to Kathleen Andolina's litigation to Mr. Kramer. Mr. Scott stated that he was advising the complainant that they consider the matter closed. Councilman Mead thanked Code Enforcement Officer Kramer and Deputy Code Enforcement Officer Lisowski for their work on that matter.

COUNCILMAN REPORTS CONT'D

Councilman Hopkins informed residents that have homes farther into the woods to keep their driveways open enough for fire trucks to be able to get to their homes without incident. Letters will be going out to some homeowners requesting to clear the branches from the driveway.

Councilman Simmeth stated that the 100-year anniversary dinner for the North Boston Fire Hall was a 5-star dinner.

Councilman Simmeth stated that he and Town Clerk Shenk met with Jim Latello from New York State Electric and Gas regarding the process of getting streetlights in the Hickory Meadows sub-division. He stated that a proposal is being worked on right now.

Supervisor Eagan: Are there any estimated costs at this time?

Councilman Simmeth: Approximately \$12,000.

Councilman Simmeth met with Highway Superintendent Poore and Deputy Highway Superintendent Mye and some residents on East Lane to discuss some serious drainage issues.

Councilman Hawkins also stated that the North Boston Fire Company put on a fabulous dinner. Councilman Hawkins stated that he is still working with Charles Sickler, Erie County Highway regarding North Boston Road and changing the Yield signs to Stop signs and installing 45 mph speed limit signs.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 8:36 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK