

Town Board Minutes September 1, 2004

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

Excused: Highway Superintendent Richard A. Poore

Mrs. Florence Wendling, St. John the Baptist Roman Catholic Church opened the meeting with a prayer.

Received a request from Brian P. Wendling for a temporary leave of absence from the Highway Department due to illness.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve Brian Wendling to take a temporary leave of absence from the Highway Department due to illness.

five (5) Ayes Carried

RESOLUTION 2004-22 COURT FEE REVENUE

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the August 11, 2004 meeting with the following correction.

Current statement:

Supervisor Eagan thanked Councilman Simmeth for his effort in securing a grant for the ball diamond improvements from Senator Volker.

Proposed change:

Supervisor Eagan noted Councilman Simmeth applied for a grant to install a red light at Boston State and West Tillen Roads, which was received after the light was installed. To insure the money wasn't lost, the Town Board instructed our Grants Writer, Connie Minor to amend the grant application to reappropriate the money for use in the parks for ball diamond upgrades and the construction of the snack shack.

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 August 26, 2004 in the amount of \$566,811.21 be paid.

five (5) Ayes Carried

Received and filed Notice of Petition for NYSEG vs. State Board of Real Property Services.

REQUESTS FROM FLOOR

Gregory Kummer, Boston Recreation Director: I would like to make a comment about a letter that was written to myself from Deanie Newberry. I did reply to that letter with the sole purpose of replying to the comments that she made about the Recreation Program, my family and myself. I would also like to take this time to thank the Board for their help this year as well as for next year.

Supervisor Eagan read a letter from Deanie Newberry, dated August 5, 2004 regarding her extreme dismay with the Boston Recreation program.

Supervisor Eagan read a response letter from Gregory Kummer, Recreation Director, to Deanie Newberry dated August 30, 2004.

Supervisor Eagan commented on the letters and stated that his actions did not result in the t-shirts being delivered and he did not take credit for that. Ms. Newberry took it upon herself to make this statement. Supervisor Eagan stated that he did leave a message regarding canceling future field trips based on the information that the children did not have t-shirts to identify them on these field trips. Supervisor Eagan felt he acted responsibly as a parent and as an elected official to the community. Supervisor Eagan also stated that Mr. Kummer was not given this job because of whom he knows or who he is related to, but because of his credentials. Supervisor Eagan also noted that he was not contacted regarding the three-day early cut off of the Recreation Program.

Supervisor Eagan: In reference to Mr. Kummer's response, my involvement was orchestrated by a number of phone calls and complaints by numerous individuals. A lot of these issues were addressed with Recreation Director Kummer, Councilman Mead and Mary Callahan, Recreation Supervisor. I believe that I showed responsibility on each and every occasion that I spoke with Mr. Kummer. I have always offered help from my staff and myself to help Recreation Director Kummer. Nobody wants to see him fail. The most common statement made from residents is "I never received a return call?". This comes from a lot of different individuals that have credibility in this community. Part of responsibility is returning phone calls in a professional time frame. I hope that Mr. Kummer has learned from this experience. No one on this Town Board wants to see him fail.

A motion was made by Councilman Hawkins and seconded by Councilman Mead to accept, with regret, the resignation of John D. Politowski as Court Officer effective August 2, 2004.

five (5) Ayes Carried

Supervisor Eagan stated that Mr. Politowski has done a fine job in our courts.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to accept the resignation of Paul J. Becker from the Assessment Board of Review, effective August 20, 2004.

five (5) Aye Carried

Councilman Mead requested the Town Clerk send thank you letters to Mr. Politowski and Mr. Becker.

Supervisor Eagan read a letter from Highway Superintendent Poore requesting permission to purchase products from Richard Cin signs and Supplies, Inc.

Supervisor Eagan asked if the Town Attorney reviewed the legality of this request.

Town Attorney Vacco stated that Highway Superintendent Poore has met his legal requirement to disclose his interest in the company that he wishes to purchase products from.

Supervisor Eagan: My concern is that he is disclosing it and I'm not sure that there isn't a conflict of interest yet. It still leaves a lot to the public's imagination.

Councilman Mead stated that it was talked about at the Agenda review and the recommendation was made that if Highway Superintendent Poore was going to need any signs, that he get additional quotes from other sources and keep them on record.

Supervisor Eagan: I don't think that he should be the one getting the quotes.

Councilman Mead: Doesn't the Procurement Policy ask that he request to purchase?

Supervisor Eagan: Yes, he has to make the request to purchase, but he's securing bids against his own pricing schedule. There is nothing more valuable than caution.

Supervisor Eagan Cont'd: I think the safe thing to do is ask that any signs he's buying the Town Clerk solicit quotes for those type of signs. I think he puts himself in a very vulnerable situation that could raise a lot of questions.

Councilman Mead: I feel comfortable as long as I know that it's on record and could always be checked on.

Town Attorney Vacco suggested that this issue be tabled until a strategy or policy is devised that if the Highway Superintendent is going to purchase signs and he requests to purchase them from his own company, that there be other bids available as proof that his bid was in fact the lowest. In that, it would be documentation of his position that he is, in fact, the lowest responsible bidder.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to table the request from Highway Superintendent Poore to purchase products from Richard Cin signs and Supplies, Inc until a policy is put into place that the Highway Superintendent must show other bids proving that his bid is in fact the lowest.

five (5) Aye Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to schedule a Public Hearing for October 6, 2004 at 7:45 p.m. for the next CDBG Grant Application cycle.

five (5) Aye Carried

Supervisor Eagan noted that a letter was received from Kathleen Andolina regarding 4748 Keller Road. Supervisor Eagan noted that this item and is still in litigation and will remain on the table.

Received a letter from the Planning Board accepting the Preliminary Plat Plan submitted by Dana Darling for a proposed subdivision. The Planning Board has scheduled a Public Hearing for Tuesday, September 28, 2004 at 7:45 p.m.

Supervisor Eagan read a letter from Planning Board Chairman Patricia Hacker regarding the Site Plan for Kim Bingman at 8899 Boston State Road.

Supervisor Eagan asked Code Enforcement Officer Kramer if he had seen this site and asked if he had any problems with the action of the Planning Board.

Code Enforcement Officer Kramer: No, I don't have any problems. To give a little back ground, that particular piece of property had to go before the Zoning Board of Appeals and they were granted a variance to build. From there they went to the Planning Board. The Zoning Board set the North side yard set back at 25 feet. Ms. Bingman brought in a plan that shows the building fits. I will have to do a plan review. I haven't seen any blueprints other than an elevation of what she wants to do. If it's passed here tonight, she will proceed with applying for a building permit application.

A motion was made by Councilman Hopkins and seconded by Councilman Hawkins to accept the Planning Boards recommendation to approve the site plan of Kim Bingman at 8899 Boston State Road.

five (5) Ayes Carried

Supervisor Eagan read a letter from Highway Superintendent Poore stating that the Deputy Highway Superintendent's salary would now be \$38,000 per year.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to approve the salary of Deputy Highway Superintendent Mye at \$38,000 per year.

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor Eagan noted that the Town received an approval for \$90,000 for a total of \$180,000 in CDBG money for the Wildwood Bank Erosion project. Supervisor Eagan noted that if any more land were lost along that road embankment, the Town Board would declare an emergency.

Supervisor Eagan met with the Town's bond consultant and Town Attorney Vacco to discuss the possibility of redoing our bonding for the Water #3 Water District. We were given a more favorable rate of 1.71% in the amount of \$3,612,000, which should adequately serve the financial exposure we have to

that project. There has been a lot of progress made. The tank is up. When the pump station is in, they will start testing the lines.

Supervisor Eagan noted both North Boston and Patchin Fire Companies have responded to our request for financial statements and Boston's is forthcoming.

TOWN CLERK REPORT

Town Clerk Shenk reported that School Tax bills should be mailed on or about September 15th.

COUNCILMAN REPORTS

Councilman Simmeth reminded the residents of Boston that the Town Board took action regarding the court issue/speeding tickets back in May. Councilman Simmeth noted that letters were sent to the state and to our state representatives. Councilman Simmeth noted that a letter was received from Assemblyman Smith and Senator Volker's office stating that they shared our concerns and would work on eliminating this proposal.

Councilman Simmeth noted that he hoped that Resolution 2004-22 would reinforce our position on this matter.

Councilman Hawkins noted that at the last Board Meeting a North Boston Road resident was concerned of the traffic in that area. On several occasions Councilman Hawkins has talked with the Erie County Highway Department and was assured that three stop signs will be put in to replace yield signs. Also a 45 mph speed limit sign will be put in near Feddick. We should see signs on Zimmerman Road very shortly.

DOG CONTROL OFFICER'S REPORT

· The Dog Officer's report for July, 2004 were received and are on file in the Town Clerk's Office.

TOWN ENGINEER REPORT

- The Town Engineer's report for July 2004 was received and is on file in the Town Clerk's Office.

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth to adjourn the meeting at 8:17 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK