

Town Board Minutes September 18, 2002

REGULAR TOWN BOARD MEETING TOWN HALL

SEPTEMBER 18, 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 a proposal from Nussbaumer & Clarke, Inc. for Professional Topographic Survey Services for 17.5 acres of Town of Boston property located on Boston State Road, (227.00-05-57.1), for a fee of \$3,250.00.

Councilman Simmeth commented that a boundary survey is not included in the Nussbaumer & Clarke proposal but a boundary survey is not needed because the property was purchased last year and a survey was done at that time.

Town Attorney Perley noted that in the Nussbaumer & Clarke proposal, consideration might be given to the contour detail in the proposed topographical map. The Town Engineer recommends that the detail be at one-foot contours.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the proposal of Nussbaumer & Clarke, Inc. for Professional Topographic Survey Services for 17.5 acres of Town of Boston property located on Boston State Road, (227.00-05-57.1), based on confirmation of the detail at one-foot contours, for a fee of \$3,250.00.

five (5) Ayes Carried

A motion was made by Councilman Edington and seconded by Councilman Simmeth to adopt minutes of the September 4, 2002 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that fund bills on Abstract #9A, dated September 18, 2002 in the amount of \$223,868.46 be paid.

five (5) Ayes Carried

REQUESTS FROM THE FLOOR

Jason Patronik, 7273 Chestnut Ridge Road: I have been elected by the residents in the area to request a change in the speed limit from 45 mph to 35 mph due to the blind grades, the width, the soft shoulders and the density of housing on Chestnut Ridge Road. We request the Town Board have the speed limit enforced and a speed limit reduction on Chestnut Ridge Road.

Councilman Simmeth inquired as to how many residents were concerned.

Jason Patronik responded that approx. twelve neighbors have similar concerns.

Councilman Simmeth commented that he will contact the State Police for speed limit enforcement on Chestnut Ridge Road and that he and the Highway Superintendent will investigate the situation for a speed reduction request to Erie County.

Town Clerk Shenk will forward to Jason Patronik copies of letters sent to Erie County regarding a speed limit reduction on Chestnut Ridge Road.

Donald Wesp, 5589 Northside Drive requested clarification of Local Law No. 5 (filed as Local Law No. 3), Installation of Storm Sewers.

REGULAR TOWN BOARD MEETING TOWN HALL

SEPTEMBER 18, 2002 7:30 P.M.

Town Attorney Perley responded that Local Law No. 5 (filed as Local Law No. 3) requires a permit, subject to engineering and standard specifications, to ensure that a drainage system continues to exist along a roadway as opposed to having individuals contact the Highway Department to install pipes.

Received an application for a Special Permit for co-location to a Telecommunication Facility, 6405 Ward Road from Mobiletech Communication Corp.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to refer to the Planning Board for review and recommendation an application for a Special Permit for co-location to a Telecommunication Facility, 6405 Ward Road from Mobiletech Communication Corp.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Edington to approve the following Transfer of Appropriations ? September 10, 2002:

GENERAL FUND

Appropriation A960 \$9,700.00

From: Contingency Account A1990.4 \$9,700.00

Appropriation A960 \$9,700.00

To: Town Justice-Contractual A1110.4 \$1,000.00

Engineering-Contractual A1440.4 \$6,000.00

Conservation-Contractual	A8710.4	\$ 200.00
Unemployment Insurance	A9050.8	\$2,500.00

Total: \$9,700.00

HIGHWAY FUND

Appropriation D960 \$5,364.50

From: Machinery-Equipment D5130.2 \$5,364.50

Appropriation D960 \$5,364.50

To: Permanent Improv. Equip D5112.2 \$5,364.50

five (5) Ayes Carried

Received a letter of resignation from John D. Politowski from the position of Boston Court Officer effective 9/29/02 and a request for re-appointment to the position of Boston Court Officer effective 10/2/02, to conform to NYS Retirement requirements from the Erie County Sheriff's Department.

A motion was made by Councilman Mead and seconded by Councilman Edington to accept the resignation of John D. Politowski from the position of Boston Court Officer effective 9/29/02, term to expire 12/31/02.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to re-appoint John D. Politowski to the position of Boston Court Officer effective 10/2/02.

five (5) Ayes Carried

Received a Building Permit Application from Kirst Construction, 7170 Boston State Road, to change the building façade.

REGULAR TOWN BOARD MEETING TOWN HALL

SEPTEMBER 18, 2002 7:30 P.M.

Councilman Simmeth inquired that if after referral to the Planning Board, and upon Planning Board approval, is the Code Enforcement Officer authorized to issue the building permit to Kirst Construction or is Town Board approval required.

Town Attorney Perley responded that Site Plan regulations do not specifically address the procedure. The general rule is that matters are referred to the Planning Board for review and recommendation and the Town Board generally acts upon that recommendation. The Town Board may approve the matter subject to Planning Board approval.

Councilman Mead noted that the Planning Board has reviewed the Kirst application and has given a favorable recommendation although normal procedure is after referral by the Town Board.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve a Building Permit Application for Kirst Construction, 7170 Boston State Road, to change the building façade, subject to Planning Board approval.

five (5) Ayes Carried

Received a request from the Boston, North Boston and Patchin Fire Companies for a referendum to be placed on the November 5, 2002 General Election Ballot to amend the Service Award Program for Active Volunteer Firefighters of the Town of Boston.

Town Attorney Perley commented that the requested amendment to the Service Award Program would allow firefighters who continue to be active volunteers to earn years of service credit after attainment of the Entitlement Age of sixty. The amended program would be an increase of approximately \$10,000 for a total cost of \$195,000.

RESOLUTION 2002-46 AMENDING THE SERVICE AWARD PROGRAM FOR
ACTIVE VOLUNTEER FIREFIGHTERS OF THE
TOWN OF BOSTON FIRE PROTECTION DISTRICT

Received notification from Town Attorney Perley that the lawsuit, Estate of Seil vs. Town of Boston has been settled for \$800.00.

Received a Public Improvement Permit Application for Hickory Meadows Subdivision?Phase-2B(Final)from Vinwell Construction, Inc.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to grant a Public Improvement Permit to Vinwell Construction Inc. for Hickory Meadows Subdivision ? Phase 2B (Final), contingent upon Town Engineer approval of the plans and specifications, Town Attorney approval of the Performance Bond and

continuation of Professional Engineering Services by Mark Alianello. P.E.

five (5) Ayes Carried

RESOLUTION 2002-45 AUTHORIZATION FOR GRANT APPLICATION
TO NYS DEC

RESOLUTION 2002-47 ADOPT LOCAL LAW NO.4 FOR THE YEAR 2002

Supervisor Eagan commented that the two-year fee for an application for a Special Permit for Live Entertainment should be \$25.00 and the application for Renewal of a Special Permit for Live Entertainment should be \$25.00.

RESOLUTION 2002-48 AMEND THE SCHEDULE OF FEES FOR
THE TOWN OF BOSTON

REGULAR TOWN BOARD MEETING TOWN HALL

SEPTEMBER 18, 2002 7:30 P.M.

A motion was made by Supervisor Eagan and seconded by Councilman Edington to table a request for a Special Permit for Modification to a Telecommunication Facility at 8881 Cole Road from Verizon Wireless pending Town Attorney review of litigation.

five (5) Ayes Carried

SUPERVISOR REPORT

Received and filed Supervisor's Financial Report for August 2002.

Supervisor Eagan commented that in agreement with the Supervisor's of the Towns of Orchard Park and Concord, representatives from each community will be appointed to the Proposed 219 Scenic Highway Committee. Supervisor Eagan appointed Deputy Supervisor Richard Hawkins and Patricia LaMonte, 6025 West Tillen Road.

Supervisor Eagan announced that Assemblyman Richard Smith presented the Town of Boston with a \$7,000 Grant for Playgrounds. Supervisor Eagan would like to see the grant used for the Creative Playground. A work session should be scheduled for the Creative Playground in the near future.

Supervisor Eagan reported that Grants Writer Connie Miner forwarded a memo regarding a Creative Playground Rehabilitation Project in conjunction with the Hamburg School District. The playground was built approximately eighteen years ago and there have been numerous injuries of children there.

TOWN CLERK REPORT

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Town Clerk Monthly Report for August 2002.

five (5) Ayes Carried

Town Clerk Shenk announced that Hunting Licenses are moving along well and most computer problems have been addressed. The Deer Management Permit Application deadline has been extended to October 15, 2002.

Town Clerk Shenk announced that School Tax bills were mailed on September 13, 2002 and he will collect for the Hamburg and Orchard Park School Districts within the Town of Boston. The Town Clerk's office will be open on Saturdays, October 5th and 12th, 9:00 a.m. to 3:00 p.m. for the collection of taxes.

Supervisor Eagan noted that a few years ago Town Clerk Shenk offered a proposal to the Orchard Park School District to collect Orchard Park School taxes for Boston residents because Boston residents pay a collection fee to have their taxes collected by Orchard Park.

Town Clerk Shenk noted that Boston residents in the Orchard Park School District had a 1% collector's fee added to their tax bill. On a \$2,000 bill this was an additional \$20.00. With encouragement from Boston residents he approached the Orchard Park School District numerous times in the past without

success. With a new School Board, the new majority contacted him and he hoped that a contractual arrangement could be made so that the collector's fee would be removed from the tax bill as is the case with Hamburg, Springville and Eden school tax bills collected in the Town of Boston. The School District chose not to incur a bill that is not budgeted. The collector's fee has been reduced to .25 of 1%, which lowers the fee on a \$2,000 bill to \$5.00 from \$20.00. The public has responded well.

Supervisor Eagan commended Town Clerk Shenk.

REGULAR TOWN BOARD MEETING TOWN HALL

SEPTEMBER 18, 2002 7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender thanked Assemblyman Smith for his generosity in the past and noted that this year \$5,000 was received from a drainage grant. Three hundred feet of pipe will be installed on Shero Road.

Superintendent Kreitzbender reported that the budgeted fuel system computer was updated and is working well.

Highway Superintendent Kreitzbender announced that the last brush pick-up will begin October 7th.

Highway Superintendent Kreitzbender reported that he inspected Creekside Subdivision with an R&D Engineering inspector and several items were cited for change. There is disagreement as to completion of the roads with Sewer District No. 3 and discussions are ongoing.

Highway Superintendent Kreitzbender reported a resident in Creekside is having a problem with a tree in his front yard and the pipes for the sewer lines.

Town Attorney Perley noted the complaint of the Creekside resident with the sewer lines and his tree was forwarded to Sewer Rehabilitation Project Consultants R&D Engineering. This is a matter between the contractor and the homeowner.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the purchase contract for the Cole Road Pump Station site can be closed.

A motion was made by Councilman Wiktor and seconded by Councilman Edington to authorize the Supervisor to pay the balance of the purchase price for the Cole Road Pump Station site together with tax adjustments, filing fees, and the premium for a title insurance policy.

five (5) Ayes Carried

Town Attorney Perley reported that the Boston Emergency Squad responded to an accident involving a woman named Lieber and a lawsuit is pending. Town Attorney Perley received a subpoena

for the pre-hospital care report and a squad member has been subpoenaed to testify with the possibility of other squad members being subpoenaed.

Town Attorney Perley reported that he received a letter from the Department of Public Service regarding Adelphia Cable. Joint franchise holders are seeking to form a committee and Town Attorney Perley will present a report at the next Board meeting.

COUNCILMAN REPORT

Councilman Wiktor reported that the Recreation Department is seeking applicants, ages sixteen through adult, for the Boston Valley Friday Night Program.

Councilman Wiktor reported that information on the Boston Ski and Snowboarding Program and area ski programs is available in the Town Clerk's office. The Boston program begins December 21st.

Councilman Simmeth reported that a status report has been received from TVGA Engineering on the Boston State, Boston Colden, West Tillen Road signal. Bid documents are being prepared by TVGA Engineering. Councilman Simmeth requested Town Clerk Shenk send copies of the status report to the Boston Fire Company and the Boston Emergency Squad.

REGULAR TOWN BOARD MEETING TOWN HALL

SEPTEMBER 18, 2002 7:30 P.M.

COUNCILMAN REPORT(CONT.)

Councilman Simmeth commented that he voted against Proposed Local Law No. 4 to Establish a Special Permit Requirement for the Employment of Live Entertainment because it places too many restrictions on our businesses and that the Noise Ordinance should have been enforced rather than pass another law. Councilman Simmeth feels there are too many laws and although he feels for the people in North Boston who have a problem with the noise, there is a noise law. If the noise law didn't work then the Town Board should look at a Special Permit for Live Entertainment.

Received and filed the Dog Control Officers monthly reports for August 2002.

Received and filed the Town Engineer's monthly report for August 2002.

A motion was made by Councilman Edington and seconded by Councilman Mead to adjourn the meeting at 8:18 p.m.

DAVID J. SHENK, TOWN CLERK