

## **Town Board Minutes September 3, 2003**

REGULAR BOARD MEETING      TOWN HALL

SEPTEMBER 3, 2003      7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Richard K. Hawkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Highway Superintendent Wayne C. Kreitzbender, Supervisor William A. Eagan and Town Attorney Kelly A. Vacco.

Pastor Kwiatowski, Good Shepherd Lutheran Church, opened the meeting with a prayer.

PROCLAMATION ? NICHOLAS J. SEGUIN ? EAGLE SCOUT

Town Attorney Vacco reported that Evans National Bank offered the town a beneficial long term interest rate for the purchase of highway equipment. The loan requires a Statutory Installment Bond which will allow the town to pay the same interest rate over an eight year period. There is a twenty (20) day estoppel period where a notice shall be posted and thereafter a thirty (30) day period before the money shall become available.

RESOLUTION 2003-25      BOND RESOLUTION FOR TRUCKS AND EQUIPMENT FOR USE BY THE TOWN OF BOSTON

A motion was made by Councilman Mead and seconded by Councilman Simmeth to retain Foit-Albert Associates to provide soil collection from various points around the existing salt barn to evidence leaching of salt into Eighteen Mile Creek and have the soil analyzed for the Salt Storage Barn Grant Application.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to adopt the minutes of the Special Meeting on August 1, 2003 and the minutes of the Regular Meeting on August 13, 2003.

five (5) Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the fund bills on Abstract #9, dated September 3, 2003, in the amount of \$206,453.26 be paid.

five (5) Ayes Carried

Received and filed Erie County Sheriff Report for July 2003.

Received a Certificate and Notice of Highway Closure from Erie County Highway for Back Creek Road between Hillcroft and Patchin Roads, effective August 26th until completion.

Received notification from Waste Management of NY, LLC, WMNY of an increase in the unit rate from \$113.95 to \$117.48 based upon the US Department of Labor, Bureau of Labor Statistics CPI, effective January 1, 2004.

Received notification from Adelphia Cable of Channel Changes effective on or after September 20, 2003.

Received notification of an application for a liquor license for 7115 Boston State Road from Couzins of WNY, LLC ? Richard Hayden Jr., Managing Member.

Supervisor Eagan reported that estimates on the East Hill Water District No. 3 project came in at least 20% less than the bids so the project must be refinanced to carry the additional cost.

RESOLUTION 2003-24 AUTHORIZING THE APPLICATION TO THE NYS STATE COMPTROLLER FOR AN INCREASE IN THE MAXIMUM AMOUNT TO BE EXPENDED ON THE TOWN OF BOSTON EAST HILL WATER DISTRICT NO. 3

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A motion was made by Councilman Mead and seconded by Supervisor Eagan to table Resolution 2003-26, Highway Specifications.

five (5) Ayes      Carried

A motion was made by Councilman Wiktor and seconded by Councilman Hawkins to authorize the Parks/Highway Department to move voting machines before and after the Primary Election on September 9, 2003 and the General Election on November 4, 2003.

five (5) Ayes      Carried

The following bids were received for the Shero Road waterline installation:

Slotman Plumbing & Heating      \$11,680

Erie County Water Authority      \$14,740

Kandy Company, Inc.      \$17,193

A motion was made by Supervisor Eagan and seconded by Councilman

Wiktor to award the contract for the Shero Road waterline installation to Slotman Plumbing & Heating at a cost of \$11,680 with the stipulation that the testing and disinfection of pipes be performed.

five (5) Ayes Carried

Received a Planning Board recommendation of approval of the co-location application submitted by AT&T Wireless for the telecommunication tower at 6405 Ward Road.

A motion was made by Supervisor Eagan and seconded by Councilman

Mead to schedule a Public Hearing on the AT&T co-location application for the telecommunication tower at 6405 Ward Road, for October 1, 2003 at 7:45 P.M.

five (5) Ayes Carried

Councilman Mead requested that the Deputy Town Clerk send the Planning Board verification of all existing co-locations on the tower.

#### SUPERVISOR REPORT

Supervisor Eagan thanked the Boston Emergency Squad for their presence at the Boston Patriots football games.

Supervisor Eagan reported that in the past few days there have been approximately nine break-ins to automobiles in the George Drive, Ravine-Zimmerman Road area. The public should be aware and keep their automobiles locked.

Supervisor Eagan reported that a meeting is being held tonight by Legislator Chase concerning the Omphalius Road reconstruction project. The meeting was scheduled against the objections of Supervisor Eagan due to a conflict with the Town Board meeting. Supervisor Eagan is disappointed that a Legislator lacked the courtesy to consider the Town Board when setting meetings in this town because he thinks our residents need representation.

## TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Mead to accept the Town Clerk Monthly Report for August 2003.

five (5) Ayes Carried

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## TOWN CLERK REPORT (CONT.):

A motion was made by Councilman Mead and seconded by Supervisor Eagan to grant the Town Clerk/Tax Collector permission to use the Town Hall facilities for the collection of school taxes.

five (5) Ayes Carried

## HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender noted that he was also disappointed in the meeting scheduled by Legislator Chase on the Omphalius Road Project. Boston Town officials have been blamed over conditions on Omphalius Road and the town has no control over the county project. The current problem is getting the utilities moved that are in the way of widening the road.

Highway Superintendent Kreitzbender reported that the fall brush pick-up begins September 15, 2003 and the last pick-up will be October 6, 2003.

Supervisor Eagan inquired if there has been further communication with the county regarding the temporary paving of Omphalius Road.

Highway Superintendent Kreitzbender responded that he has been in contact with the contractor who has agreed to do a complete skin patch of Omphalius Road. Once that is done the road will be accepted for snowplowing by the town.

Supervisor Eagan inquired if Highway Superintendent Kreitzbender needs Town Board approval to accept Omphalius Road back from the county for snowplowing.

Town Attorney Vacco responded that Highway Superintendent Kreitzbender has the jurisdiction to accept the road for snowplowing.

#### TOWN ATTORNEY REPORT

Town Attorney Vacco reported that regarding a Southtowns Preservation Article 78 proceeding, the Town Board must, pursuant to an order by Supreme Court Justice Notaro, approve the application and site plan of Southtowns Rural Preservation Inc., 9441 Boston State Road.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to approve the application and site plan of Southtowns Rural Preservation Inc., 9441 Boston State Road.

five (5) Ayes Carried

#### COUNCILMEN REPORT

Councilman Mead requested that the Code Enforcement Officer proceed with section 70-15, penalty clause of the Mobile Home Chapter of the Boston Town Code as it relates to the Sprague Mobil Home Park, 8229 Boston State Road.

Councilman Wiktor thanked Town Attorney Vacco for her help in addressing the safety issues at the Ann Burkhardt property, 9356 Boston State Road.

Councilman Wiktor reported that the Town of Orchard Park has agreed with the Town of Boston by instituting a policy requesting various groups to submit budget requests for funding. The object is not to look into the bookkeeping of the groups but to be responsive to the funding that the town is responsible for.

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COUNCILMEN REPORT (CONT.):

Councilman Hawkins reported that Patchin Fire Company and the Boston Emergency Squad worked hand in hand to revive a resident using the PAF (Public Access Defibrillation) Program. He noted that if we work together we can do what is best for the community.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers Monthly Reports for August 2003 were received and are on file in the Town Clerk's office.

RECREATION DIRECTOR REPORT

A) Recreation Director Monthly Report for August 2003 was received and are on file in the Town Clerk's office.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 7:55 p.m.

KAREN A. ELLIS, DEPUTY TOWN CLERK