

## Town Board Minutes September 5, 2001

REGULAR BOARD MEETING      TOWN HALL

SEPTEMBER 5, 2001      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 Perley.

Rev. Gary Burdick, Faith United Church of Christ, opened the meeting with a prayer.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the August 15, 2001 regular meeting.

five (5) Ayes      Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adopt the minutes of the Special Board Meeting of August 20, 2001.

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 #9, dated September 5, 2001 in the amount of \$83,487.02 be paid.

five (5) Ayes      Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon Town Board review, that Highway Bills on Abstract #9, dated September 5, 2001 in the amount of \$30,004.55 be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to adopt the Town Clerk's Monthly Report for August 2001.

five (5) Ayes Carried

Received and filed Erie County Sheriff Report for August 2001.

Councilman Wiktor commented that regarding the Wireless Surcharge Fund Resolution, the proposal began in 1996 because it was determined that the present system instituted in 1995 was being overloaded and reliable communications are critical to the delivery of Police and Emergency services. Erie County decided to fund a 800Mhz Communications System by adding a \$.65 phone surcharge.

#### RESOLUTION 2001 ? 33 WIRELESS SURCHARGE FUND

The following bid was received and opened on September 4, 2001 at 10:00 am for One Multipurpose Excavator:

NAME	PRICE	RENTAL + OPTIONS =	TOTAL
L.B. Smith Inc.	\$176,785 - \$5,800	\$5,240	\$176,225

Highway Superintendent Kreitzbender commented that the purchase of a Multipurpose Excavator is necessary because parts are not available for the current excavator.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to award the contract for a Multipurpose Excavator to L.B. Smith Inc. for a total price of \$176,225.

five (5) Ayes Carried

RESOLUTION 2001 ? 35 ISSUANCE OF SERIAL BONDS TO FINANCE THE PURCHASE OF A 2001 GRADEALL EXCAVATOR

REGULAR BOARD MEETING TOWN HALL

SEPTEMBER 5, 2001 7:30 P.M.

Received a Planning Board letter regarding the rezoning request of Norman Witte, 7615 Boston State Road with the following recommendations:

1. The application would be more appropriate if requesting an R-C rather than a M-1.
2. Request is in direct conflict with the Master Plan, which promotes commercial business in and around our three hamlets.

Town Attorney Perley commented that Mr. Witte believed he had the potential for constructing a dental office pursuant to either a lease or purchase arrangement with a perspective businessman. It is the understanding of Town Attorney Perley that the deal may no longer be in effect and that Mr. Witte is reconsidering his position and may apply for a different rezoning application.

A motion was made by Councilman Mead and seconded by Supervisor Rood, on the recommendation of Town Attorney Perley, to table the rezoning application of Norman Witte, 7615 Boston State Road, until the next Town Board meeting.

five (5) Ayes Carried

Received a Planning Board recommendation of approval for a Site Plan Review for a change of use at 7178 Boston State Road, requested by Nicholas Charlap, with stipulations.

A motion was made by Councilman Simmeth and seconded by Councilman Mead, on the recommendation of the Planning Board, to approve a Site Plan Review for a change of use for Nicholas Charlap, 7178 Boston State Road subject to the stipulations that no additional seating be added and that no expansion can take place without approval and prior review by the Boston Town Board.

five (5) Ayes Carried

Received an Application for a Soil Removal Permit from Anthony Bernardi, 6385 Willow Drive.

Councilman Simmeth inquired if the soil removed from 6385 Willow Drive will be hauled on ten wheelers.

Highway Superintendent Kreitzbender responded that soil previously removed from 6385 Willow Drive was on ten wheelers, weighing 32 ton loaded and 12 ton empty. Town roads are posted for a ton.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to deny the Application for a Soil Removal Permit from Anthony Bernardi, 6385 Willow Drive.

five (5) Ayes Carried

Supervisor Rood announced that the WNY Hall of Fame is recognizing a Boston Baseball Team from years ago as the Team of the Decade at a Banquet on 9/19/01. The Town Board members wish to attend.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to change the date of the Agenda Review from 9/19/01 to 9/26/01 at 6:15 p.m.

five (5) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to change the date of the Town Board Meeting from 9/19/01 to 9/26/01 at 7:30 p.m.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

SEPTEMBER 5, 2001 7:30 P.M.

Received a letter of resignation from Nutrition Director, Donna Pfarner, effective October 1, 2001.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to accept the resignation of Nutrition Director Donna Pfarner, effective October 1, 2001 and direct Town Clerk Shenk to send a letter of appreciation, wish her luck in North Carolina and success with her future surgery.

five (5) Ayes Carried

#### SUPERVISOR REPORT

Supervisor Rood reported that Nancy Marean, Coordinator for the Meals on Wheels Program, is looking for more volunteers.

Supervisor Rood announced that prospective Eagle Scout Andy Stumpf organized volunteers, including Supervisor Rood and Councilman Tills, who did a great job scraping and repainting the playground equipment behind the Town Hall.

Supervisor Rood reported that she attended a United Way meeting and requested that the Town of Boston have a Needs Assessment done. Suggestions could include a youth or senior center. There will be a sub committee of residents to formulate questions for a survey to be sent to residents in the near future. This fits in with the recreational and comprehensive town Master Plan. Supervisor Rood thanked Evans Bank for offering to help with mailing costs.

Supervisor Rood announced that FEMA will use riprap to halt the washing out of the creek bank.

Supervisor Rood reported that she met with the Erie County Forester on Rice Road where FEMA has designated funds to work on drainage problems and to open up fire lanes and provide a parking area for emergency vehicles. The fire lanes could easily double as equestrian trails.

#### TOWN CLERK REPORT

Town Clerk Shenk reported that school taxes will be mailed soon and are due on October 15, 2001.

#### HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that 99% of the five-year Road Rehabilitation Program that was started this year has been completed and is on schedule.

Highway Superintendent Kreitzbender announced that 1,300 tons of salt were hauled in for this coming season under the contract that he bid. The County bid increased 60% so Boston has joined other towns and will re-bid. The Town of Boston will also investigate an individual bid price.

Highway Superintendent Kreitzbender announced that brush pick-up will begin September 10th.

Highway Superintendent Kreitzbender noted that he sent Andy Stumpf a thank you letter for a great job painting the playground equipment.

## TOWN ATTORNEY REPORT

Town Attorney Perley reported that the Appeal in the Feltz matter has been perfected and an Order was received from the Appellate Division in Rochester tentatively scheduling the argument of the Appeal for the week of January 7th, 2002.

## REGULAR BOARD MEETING TOWN HALL

SEPTEMBER 5, 2001 7:30 P.M.

## TOWN ATTORNEY REPORT (CONT.)

Town Attorney Perley noted that at the next Town Board meeting he will announce a firm date for the Zoning Review Commission to consider a draft noise proposal for a noise law.

Town Attorney Perley reported that he received applications for Out of District Water Customers for the Liebler Road Extension for Water District #1 from Mr. McGill and Mr. Burgasser on Lower Crestwood Circle. ECWA Representative Paul Becker has no problem with the applications as long as no representations are made as to pressure.

## RESOLUTION 2001-34 OUT OF DISTRICT WATER CUSTOMER

## COUNCILMAN REPORT

Councilman Wiktor announced that Mercy Flight will hold a bash on Woodlawn Beach, Saturday, September 8, 2001 to celebrate twenty years of service to Erie County. Fire Companies and EMS Services are requested to bring their equipment for display.

Councilman Wiktor reported that the North Boston Fire Company will receive a \$31,500 FEMA grant for fire protection programs. Over 20,000 fire companies applied for this grant and Congressman Quinn offered staff to aid applicants with the grant applications.

Councilman Simmeth thanked Highway Superintendent Kreitzbender for installing speed limit signs on Hillcroft Dr. in a timely manner.

Councilman Simmeth reported that he and Town Attorney Perley have scheduled a meeting regarding a Hickory Meadows drainage issue.

Councilman Simmeth met with a resident regarding the Back Creek/Hillcroft Road intersection and will work with the Erie County Engineer on the problem.

#### CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for August 2001 was received and is on file in the Clerk's Office.

#### DOG CONTROL OFFICERS MONTHLY REPORT

A) Dog Control Officers monthly report for August 2001 was received and is on file in the Clerk's Office.

#### TOWN ENGINEER REPORT

A) Town Engineer's monthly report for August 2001 was received and is on file in the Clerk's Office.

A motion was made by Councilman Tills and seconded by Councilman Simmeth to adjourn the meeting at 8:00 p.m.

DAVID J. SHENK, TOWN CLERK