

Town Board Meeting March 6, 2002

REGULAR BOARD MEETING TOWN HALL

MARCH 6, 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.

Rev. James Laun, Churchill Memorial, opened the meeting with a prayer.

A motion was made by Councilman Simmeth and seconded by Councilman Edington to adopt the minutes of the February 20, 2002 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 the General Fund and

Special District Bills on Abstract #3, dated March 6, 2002 in the amount of \$123,149.84 be paid.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Edington, upon Town Board review, that Highway Bills on Abstract #3, dated March 6, 2002 in the amount of \$56,339.39 be paid.

five (5) Ayes Carried

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

five (5) Ayes Carried

Received and filed notification for a Public Hearing to amend the Town of Concord Code regarding the sign ordinance.

REQUESTS FORM THE FLOOR

Peter Lindner, 6591A Omphalius Road: I would like to know what the latest is on the water on the East Hill.

Supervisor Eagan: I met with Erie County officials including Orchard Park Supervisor Cudney. Our Engineer is ready to put the project out for bid and we are waiting for Orchard Park to approve our use of their water extension.

Peter Lindner: Do you know how long this will be?

Supervisor Eagan: About a week. Our attorney prepared a draft agreement for the Town of Boston and Orchard Park.

Peter Lindner: Are they are aware they will be tearing up Omphalius Road?

Supervisor Eagan: Yes they are, which is the reason we met with Deputy County Executive Calabrese. We emphasized that if we don't get that water in soon the project will cost more to do later.

Received a letter on 2/11/02 from the Hillfest Committee requesting use of the Town Hall facilities for July 12-15, for the Hillfest event and March 16-17 for a corn beef dinner.

Supervisor Eagan commented that there was an interest from the Boston Fire Company and a request from the Patchin Fire Company for use of the Lions Shelter on July 12, 2002 for a community night event prior to the Hillfest festivities.

Supervisor Eagan commented that perhaps the biggest block of volunteers for the Hillfest event come from our fire companies.

REGULAR BOARD MEETING TOWN HALL

MARCH 6, 2002 7:30 P.M.

Received a report from the Patchin Fire Company listing their contributions to the 2001 Hillfest of \$5,670 for in-kind services and \$2,033.61 of direct financial support, a total of \$7,703.61.

Received a letter from the Patchin Fire Company withdrawing their request for use of the Lions Shelter on July 12, 2002.

Supervisor Eagan commented that there was a concern as to why the Hillfest request was not addressed at the February 20, 2002 meeting. Since the Hillfest Committee and the Patchin Fire Company were to meet on February 21, 2002, it was determined that

the committees might work out the issues between themselves.

Town Clerk Shenk reported that the Hillfest Committee requested that their deposit of \$50.00 be waived and returned.

Lisa Rood, Hillfest Committee Member, requested an amendment to the Hillfest request to include July 10th and 11th for set-up of the games and rides.

A motion was made by Councilman Edington and seconded by Supervisor Eagan to grant the Boston Hillfest Committee use of the Town Hall Park, Lions Shelter, Community Room and bathroom facilities from July 10th through July 15th, and the Community Room and Kitchen March 16th and 17th for the corn beef dinner.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to waive the \$50.00 deposit for the Hillfest Committee.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to grant Ron Fluker, 7147 Boston Colden Road, permission to use the Lions Shelter and Community Room July 20, 2002 for a school reunion. No alcohol will be served and a \$50.00 deposit will be provided.

five (5) Ayes Carried

A motion was made by Councilman Edington and seconded by Councilman Simmeth to grant the Boston Conservation Advisory Council permission to use the Lions Shelter, Community Room and Town Park for Earth Day, Saturday April 20, 2002.

five (5) Ayes Carried

Mary Alice Tock, Chairman of the Conservation Advisory Council is asking for volunteers for Earth Day and Supervisor Eagan will supply hot dogs for lunch. Brochures are available in the Town Clerk's office.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to grant Karen Ellis, 7305 Hickory Drive, permission to use the Lions Shelter and Restrooms on July 7, 2002 for a family picnic. Alcohol will be served and a \$50.00 deposit and certificate of insurance will be provided.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to remove from the table a request from Timothy Kirst, Lot-3, Hickory Meadows, to use Roy Place as a driveway.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

MARCH 6, 2002 7:30 P.M.

Town Attorney Perley reported that he prepared a non-exclusive Easement Agreement to permit Timothy Kirst, Lot 3-Hickory Meadows, access to Roy Place for the purpose of installing a driveway.

A motion was made by Councilman Wiktor and seconded by Councilman Mead, on the recommendation of the Planning Board, to authorize Supervisor Egan to sign an Easement Agreement after acceptance by Timothy Kirst for access to Roy Place for the purpose of installing a driveway.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to table a request from Gregory Gerwitz for a building permit extension for 5773 Herman Hill Road until confirmation from the Code Enforcement Officer that the building will be structurally sound upon completion.

five (5) Ayes Carried

Received from Town Attorney Perley a copy of the Appellate Division decision that affirms Judge Rogowski's original order on the Feltz vs. Town of Boston, et al and in agreement with the plaintiff's counsel, the amount of \$46,963.66 should be paid in a timely manner.

Town Attorney Perley reported that on March 6, 2002 he received and forwarded to the Town Clerk and the plaintiff's counsel, by mail, a copy of the filed Satisfaction of Judgement. The original release has been forwarded to the Town Clerk for filing.

Received a request from the Boston Emergency Squad for Town Board authorization for Amy Sallak to take call time and respond to calls within the Town of Boston from her home at 4196 Beaubain Road, Hamburg.

A motion was made by Councilman Wiktor and seconded by Councilman Edington, on the recommendation of the Boston Emergency Squad, to authorize Amy Sallak to take call time and respond to calls within the Town of Boston from her home at 4196 Beaubain Road, Hamburg.

five (5) Ayes Carried

Councilman Wiktor congratulated Amy Sallk and noted that in the past the Boston EMS has considered out of town residents.

Received from the Planning Board a recommendation of approval of the FOP Holdings LLC application for the construction of an additional multiple family dwelling at 7287 Boston State Road.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to table the FOP Holdings LLC application for the construction of an additional multiple family dwelling at 7287 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the correction to the Transfer of Appropriations as follows:

HIGHWAY FUND

From 12/28/01 Town Board Meeting

Appropriation DB 960 \$444.63

From: Machinery DB5110.4 \$444.63

Appropriation DB 960 \$444.63

To: Social Security DB9030.8 \$444.63

REGULAR BOARD MEETING TOWN HALL

MARCH 6, 2002 7:30 P.M.

Correction to the Transfer of Appropriations (Cont.):

GENERAL FUND

From 12/28/01 Town Board Meeting

Appropriations A960 \$11,664.26

From: NYS Retirement Fund \$11,664.26

Appropriations A960 \$11,664.26

To: Supervisor A1220.4 1,125.00

Town Clerk A1410.1 270.76

Unclassified	A1989	1,442.12
Safety Inspct	A3620.1	33.43
Supt. of Hgwys	A5010.4	336.19
Garage	A5132.4	6,716.69
Street Light	A5182.4	1,562.38
Dental	A9060.8	177.69

TOTAL 11,664.26

five (5) Ayes Carried

RESOLUTION 2002-09 SNOW/ICE/WATER COORDINATOR

DISBURSMENT OF FEMA/SEMO FUNDS

SUPERVISOR REPORT

Supervisor Eagan reported that he has been working with the Town Attorney to update the noise ordinance, which will be ready for adoption in April.

Supervisor Eagan noted that due to new bookkeeping procedures the abstracts will show larger balances than in the past because items such as medical expenses are now included.

Supervisor Eagan reported that the restrooms ordered for the Town Park have been ready for delivery since October, the bill has been paid but the site has not been prepared. We are in the process of preparing a concrete slab and a package for finishing the project. The restrooms should be installed by May.

Supervisor Eagan noted there has been a concern over a "Children at Play" sign installed on the east end of Shero Road.

Highway Superintendent Kreitzbender reported that the "Children at Play" sign was installed after he and Councilman Simmeth investigated the area last year and noted late night accidents and speeding. The sign is legal in an area such as this with a blinding bend but not in a dense residential area such as a subdivision.

TOWN CLERK REPORT

Town Clerk Shenk reported that Town and County tax bills are due Friday, March 15th and the Town Clerk's office will be open for tax collection on March 13th and 14th until 8:00 p.m. and March 15th until 9:00 p.m.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that FEMA reimbursed the Town of Boston \$14,081.81 for the storm on July 20, 2001. An additional \$74,000 will be due from the December, 2001 storm.

Highway Superintendent Kreitzbender reported that he spoke with FEMA representatives regarding the riprapping of Eighteen-Mile Creek behind the Town Salt Building. Town Engineer Harris reported that the study for this project is not complete.

REGULAR BOARD MEETING TOWN HALL

MARCH 6, 2002 7:30 P.M.

HIGHWAY SUPERINTENDENT REPORT (CONT.):

Highway Superintendent Kreitzbender reported that for the month of February, 3,382 miles for seventeen days were logged for highway vehicles.

Highway Superintendent Kreitzbender reported that he is waiting for a report from Paul Becker, ECWA, regarding the water break behind Rucker Lumber. ECWA and Highway Superintendent Kreitzbender recommend that the water line will be relocated to Mill Street.

Highway Superintendent Kreitzbender reported that EC Sewer Authority is scheduled to begin the Creekside project within the next seven to ten days. A meeting will be scheduled with EC Sewer Authority, Town Supervisor Eagan, and Highway Superintendent Kreitzbender.

Highway Superintendent Kreitzbender announced that notification has been received from the NYS DEC that the fuel system permit expires in June and must be renewed. Two estimates will be sought for a pressure test of both fuel tanks before permit renewal.

Highway Superintendent Kreitzbender reported that he has received five estimates for the backstop for the Town Park.

TOWN ATTORNEY REPORT

RESOLUTION 2002-10 TO REQUEST A TRAFFIC ENGINEERING STUDY FOR THE INTESECTION OF BOSTON STATE ROAD AND BOSTON-COLDEN/WEST TILLEN ROADS

RESOLUTION 2002-11 TO ADOPT NEW RULES OF ORDER FOR MEETINGS OF THE TOWN BOARD

RESOLUTION 2002-12 TO REQUEST A TRAFFIC STUDY FOR THE BOSTON STATE ROAD NORTH OF ITS INTERSECTION WITH OMPHALIUS ROAD

RESOLUTION 2002-13 TO REQUEST A TRAFFIC STUDY FOR A PEDESTRIAN CROSSING IN THE VICINITY OF THE BOSTON TOWN HALL

COUNCILMAN REPORT

Councilman Wiktor announced that on Tuesday, March 12, 2002 the Trapezium Quartet and the Irish Dancers will be in concert at Boston Valley School for the Winter Concert Series.

Councilman Wiktor welcomed the high school students in attendance this evening.

Councilman Wiktor announced that he has been appointed to the Erie County Sewer Board of Managers and attended his first meeting.

Councilman Edington reported that the Conservation Advisory Council acquired the site plan for the Boston State Road pump station and plantings will be done to improve the site.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for February 2002 was received and is on file in the Clerk's Office.

REGULAR BOARD MEETING TOWN HALL

MARCH 6, 2002 7:30 P.M.

DOG CONTROL OFFICERS MONTHLY REPORT

A) Dog Control Officers monthly report for February 2002 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for February 2002 was received and is on file in the Clerk's Office.

COMMUNICATIONS BY TOWN BOARD MEMBERS

Supervisor Eagan presented an update of the Bookkeeper's office.

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

DAVID J. SHENK, TOWN CLERK