

Town Board Minutes April 5, 2000

REGULAR BOARD MEETING TOWN HALL

APRIL 5, 2000 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Stephen K. Tills, Councilman Karl J. Simmeth Jr., Supervisor Lisa M. Rood, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

Absent: Councilman Dennis J. Mead

Rev. Allyn Foster opened the meeting with a prayer.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the March 15, 2000 monthly meeting.

four (4) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #4, dated April 5, 2000 in the amount of \$28,870.59 be paid.

four (4) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #4, dated April 5, 2000, amount of \$169,718.21 be paid.

four (4) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Tills to accept the Town Clerk's Report for March 2000.

four (4) Ayes Carried

Received and filed a letter from Erie County Executive Giambra regarding the Vacuum Street Sweeper.

Received and filed a Notice of Tentative Special Franchise Assessments from NYS Board of Real Property Services.

Received and filed the Erie County Sheriff's Monthly Report for December 1, 1999 to February 29, 2000.

Referred to Town Attorney Perley and Municipal Insurance Consultants a Notice of Claim for Hanover Ins. Company (A/S/O Timothy D. Wright) vs. Town of Boston.

Received letters of request for appointment as an Alternate Member of the Zoning Board of Appeals from Harold N. Hendrix, Walter J. Slomka and Brien Hopkins.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to appoint Brien Hopkins as an Alternate Member of the Zoning Board of Appeals, term to expire 12/31/02.

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to appoint Harold N. Hendrix as an Alternate Member of the Zoning Board of Appeals, term to expire 12/31/02.

four (4) Ayes Carried

A motion was made by Supervisor Rood and seconded by Councilman Wiktor, on the recommendation of Nussbaumer & Clare, Inc., to adopt the ECWA "Water Conservation and Use Restrictions Program" as required for the Water Supply Permit documentation for the East Water Hill Project.

four (4) Ayes Carried

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RESOLUTION 2000-11A EMERGENCY SQUAD SERVICE AWARD PROGRAM

RESOLUTION 2000-12 NEW YORK STATE DEPARTMENT OF STATE QUALITY

COMUNITIES DEMONSTATION PROGRAM

A motion was made by Councilman Wiktor and seconded by Councilman Tills, on the recommendation of Recreation Director Cleese, to re-appoint the following to the 2000 Summer Recreation Day Camp, term effective immediately and to expire on August 31, 2000:

Scott Bihl	Counselor	\$5.35 per hr.
Julie Edwards	Site Supervisor	\$7.60 per hr.
Beth Marschner	Counselor	\$5.45 per hr.
Drew McNichol	Counselor	\$5.15 per hr.
Tina Musselman	Counselor	\$5.15 per hr.
Sarah Myers	Counselor	\$5.15 per hr.
Gene Partridge	Counselor	\$5.35 per hr.
Kristen Partridge	Counselor	\$5.25 per hr.

Amanda Vara Counselor \$5.45 per hr.
Rebecca Vara Counselor \$5.55 per hr.
Mandi Malchoff Counselor \$5.70/7.10 per hr.
four (4) Ayes Carried

A motion was made by Councilman Tills and seconded by Councilman Simmeth to grant use of the Lions Shelter and Community Room to the Boston Arts Council for the Tenth Annual Summer Concert Series from 6:30 p.m. to 9:00 p.m. every Tuesday from July 11 through August 29, 2000.

four (4) Ayes Carried

At 7:45 p.m. a Public Hearing was held for the purpose of hearing public comments on Proposed Local Law No. 1 of the year 2000, entitled, "A Local Law to Authorize the Town Board to Issue a Special Permit for the Screening of Topsoil in Certain Zoning Districts in the Town of Boston.

Supervisor Rood read the legal notice.

A motion was made by Supervisor Rood
and seconded by Councilman Simmeth to
open the Public Hearing at 8:47 p.m.

four (4) Ayes Carried

There were no public comments.

A motion was made by Supervisor Rood
and seconded by Councilman Simmeth to

close the Public Hearing at 8:48 p.m.

four (4) Ayes Carried

RESOLUTION 2000-13 LOCAL LAW NO. 1

OF THE YEAR 2000

Received a letter of resignation

from Louis A. Manista for the

Conservation Advisory Council.

Supervisor Rood commented that Louise Manista was definitely an asset and a very active member of the CAC and was involved in all the Earth Day programs.

Councilman Simmeth agreed with Supervisor Rood and noted that he will send Louis Manista a thank you letter from the Town Board.

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A motion was made by Supervisor Rood and seconded by Councilman Simmeth to accept the resignation of Louise A. Manista from the Conservation Advisory Council.

four (4) Ayes Carried

The following bids were received, opened and read aloud on April 3, 2000 at 10:00 a.m. for the mowing of grass on town property:

NAME	BID	NC
S & K Landscaping	\$12,500	X
Jensen Lawn & Yard Care Inc.	\$18,700	X
My Three Sons Lawn & Landscaping	\$19,800	X
D & H Landscaping	\$23,562	X
Chevalier Lawn & Landscaping	\$24,325	X
North & Southtowns Lawn Care	\$24,500	X
T.L.S. Landscaping	\$25,200	X
Sailing Site/Landscape Contractor	\$36,400	X
Dove Development Inc.	\$36,960	X
Gullos Garden Center	\$39,000	X

Highway Superintendent Kreitzbender commented that after reviewing the bids he feels the Town of Boston can best serve the community by having the Town of Boston Parks Department continue to mow the grass on town property. The Parks Department accommodates the scheduling of the use of town facilities and because this service would be lost with outside contracts, he would recommend rejecting all bids.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to reject all bids for the mowing of grass on town property.

four (4) Ayes Carried

The following bids were received, opened and read aloud on April 3, 2000 at 10:05 a.m. for the Collection, Chipping and Transportation of Brush in the Town of Boston:

NAME	BID 1	BID 2	NC
Quality Seal Co.	\$ 899.90 day	\$ 1,008.75 day	X
	\$ 8,999.00 mo.	\$ 4,035.00 mo.	X
June Telaak Trucking	\$22,459.00	\$22,459.00	X
Hazlett Land Scraping	\$23,999.00	\$15,999.00	X
Griffin Tree Service	\$28,800.00	\$19,200.00	X
S & K Landscaping	\$32,000.00	\$12,000.00	X
Jensen Lawn & Yard Care Inc.	\$32,400.00	\$28,800.00	X
Eastwood Industries, Inc.	\$52,650.00	\$42,650.00	X
Schneck's Tree Removal Inc.	\$52,920.00	\$42,920.00	X
Chevalier Lawn/Landscaping	\$69,300.00	\$46,200.00	X
Prime Site Work, Inc.	\$97,800.00	\$69,200.00	X

Councilman Simmeth commented that the Town of Boston taxpayers will not benefit from these bids. The Boston Highway Department has the machinery and personnel to do the brush collection.

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to reject all bids for the collection, chipping and transportation of brush on town property.

four (4) Ayes Carried

Supervisor Rood reported that applications for a Soil Removal Permit from Joseph and Carl Simmeth, 8010 Boston State Road and Roy Emerling, 7957 Boston State Road were received on Monday, April 3, 2000. The Town Board has not had a chance to visit the sites.

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A motion was made by Supervisor Rood and seconded by Councilman Simmeth to table the Soil Removal Permits of Joseph and Carl Simmeth, 8010 Boston State Road and Roy Emerling, 7957 Boston State Road.

four (4) Ayes Carried

SUPERVISOR REPORT

A) Supervisor's January Bank Account Report and February Highway Finance Report received and on file in Town Clerk's office.

Supervisor Rood reported that she and six (6) supervisors from Erie County went to Albany on a lobby trip to meet with NYS Senators and Assemblymen. Items lobbied included HCRA (Health Care Reform Act of 1996) which deregulated hospital rates paid by private insurers. It was set to expire on 12/31/99. A new plan,

HCRA 2000, will provide insurance for the uninsured, the financing of which will be the largest unfunded mandate in a decade. Counties will be required to pay 25% of the "Family Health Plus" Program & other mental & public health initiatives funded through Medicaid. Estimates are figured to be eleven (11) million dollars in new costs to counties in 2000-2001 and will grow as the program phases in. The Senate Finance Committee projects the total costs of Family Health Plus to be over \$340 million between 2001-2003. Supervisor Rood and the supervisors oppose this plan and do not feel the State should make up these rules and pass it to the counties to fund.

An increase in our portion of Revenue Sharing was lobbied for because the state has such a high surplus.

An increase in CHIPS money was requested. This is money received from the state to assist in the cost of road repairs.

Regarding Urban Sprawl, additional money was requested for farmland protection for the towns interested in instituting a program and to support Smart Growth Initiatives.

Comprehensive Recycling Analysis, the DEC must be pressured to accept the CRA previously done four (4) years ago by the NEST organization at a cost of \$132,000. An update would cost \$180,000 and there is little change in the numbers from four (4) years ago.

Also requested was support of the Inherent Risk Legislation bill, which defines the risk that is inherent in equine activities and mandates that participants recognize these risks. It spells out to equine businesses and activity sponsors their responsibility in notifying participants of these risks and posting signage as such.

Lobbied also was Use of Land for Recreational Activities. This bill encourages landowners to make areas available to the public for recreational purposes by limiting their exposure to lawsuits.

Supervisor Rood commented that she found the trip interesting and learned a lot. She thanked the Town Board for approving this trip.

Supervisor Rood reported that the Town Board met with Richard Boyd, owner of the Boyd Trailer Park and his attorney on April 3, 2000. His Mobile Park License has not been renewed and he was informed of existing violations.

The Town of Boston has applied for a 2000 Trees Grant, which would allow the town to receive ten (10) trees of 1 ½ inch caliper. Shade or evergreen trees were requested for the town parks.

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The United Way Program presented a \$500 check to the Boston Kazoo Band. On April 7, 2000 the United Way will be at the Creative Playground to present the Creative Playground Committee with a check for

\$1,500 to be used to upgrade the playground. The United Way Program allots \$20,000 to each region for mini grants to consider requests on a case by case basis, usually in \$500 grants.

Supervisor Rood encourages everyone to send in the completed 2000 Census forms. NYS is within 200,000 people of losing a congressional seat. In 1990 the undercount was 220,000. If we eliminate the undercount the seat will be saved along with thousands of federal dollars that will otherwise go to other states.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender will apply to the NYS DOT Multi-Modal Program which entitles the Town of Boston to a \$15,000 reimbursement for culvert pipes which were installed in 1999.

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to authorize Highway Superintendent Kreitzbender to sell the old sweeper to the Town of Cattaraugus for the original purchase price.

four (4) Ayes Carried

Highway Superintendent Kreitzbender requested that the Town Engineer aid him in determining weight limits to be posted on town roads without a good base.

Councilman Wiktor encouraged Highway Superintendent Kreitzbender to contact the Town Engineer and work on a proposal to present to the Town Board.

Highway Superintendent Kreitzbender requested permission to advertise in the local newspapers for part-time help in the Parks Department from now until September or October.

Supervisor Rood encouraged the reporters in attendance to make note of the request for part-time jobs available in the Parks Department.

Highway Superintendent Kreitzbender announced that the first brush pick-up will begin on April 17, 2000.

Highway Superintendent Kreitzbender reported that the nature trail has been washed out due to recent heavy rains. The Parks Department will work on making a trail again and is in the process of applying for a gravel permit from the NYS DEC to relieve the excess gravel.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize Highway Superintendent Kreitzbender to draw specs and advertise for bids for two (2) 5 Ton Dump Trucks and schedule a bid opening on May 1, 2000 at 10:00 a.m.

four (4) Ayes Carried

Supervisor Rood requested that Superintendent Kreitzbender include the Earth day flyers with the distribution of the Brush Pick-up flyers. The Earth day flyers will have the Summer Concert Series schedule, Adelphia Cable Public Information Hearing, and STAR program deadline printed on the back.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the Adelphia Cable Public Information Hearing would be May 3, 2000 at 7:30 p.m.

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COUNCILMAN REPORT

Councilman Wiktor thanked the Town Board for re-appointing the staff for the Summer Recreation Program.

Councilman Wiktor reported that a number of residents have contacted him regarding the condition of the site of the proposed Burke Patio Homes on Boston State Road. Councilman Wiktor will write Mr. Burke and request that the topsoil be restored and seeded if there are no immediate plans for the property.

Councilman Simmeth announced that Earth Day will be held on Saturday, April 29, 2000, 9:00 a.m. to 2:00 p.m. at the Boston Town Hall. There will be a tire drop-off allowing a limit of two (2) tires without rims, per resident. The Birds of Prey Program by Hawk Creek will be available from 10:30 a.m. to 11:30 a.m. There will be an Earth Day informational booth in the Community Room, and a Mercury Thermometer Exchange from Erie County. There will be Soil Testing by Master Gardeners from Cornell Co-Op from 12:00 p.m. to 2:00 p.m. For further information residents may call Councilman Simmeth or Town Clerk Shenk.

Councilman Simmeth reported that there are speed limit issues on Eddy, Trevett and Hillcroft roads.

Councilman Simmeth requested an update on the softball field from Highway Superintendent Kreitzbender.

Highway Superintendent Kreitzbender commented that he is waiting for the softball field to dry out. Under the advice of an expert who did the Bison Stadium last fall, all the sod and topsoil was removed and the running area was moved into the center and leveled. The next step is to haul in materials to finish the project when it is dry and apply the materials layer by layer. The field will be completed before the season begins.

Councilman Simmeth reported that on Monday, April 3, 2000 he and Supervisor Rood met with Dan Ryder and Gary Kane from the Erie County Highway Department at the Boston Colden, Boston State Road intersection. There have been a number of minor accidents at this site and suggestions were made to make the intersection safer. Councilman Simmeth received a call from a resident regarding the intersection and attempted to return his call but apparently the number he wrote down was incorrect.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly report for March 2000 was received and is on file in the Clerk's Office.

DOG CONTROL OFFICER MONTHLY REPORT

A) Dog Control Officer monthly report for March 2000 was received and is on file in the Clerk's Office.

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for March 2000 was received and is on file in the Clerk's Office.

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

David J. Shenk, Boston Town Clerk