

## Town Board Minutes December 18, 2002

REGULAR TOWN BOARD MEETING      TOWN HALL

DECEMBER 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, and Town Attorney Michael F. Perley.

Absent: Highway Superintendent Wayne C. Kreitzbender.

A motion was made by Councilman Simmeth and seconded by Councilman Edington to adopt the minutes of the December 4, 2002 Regular Town Board 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 #12A, dated December 18, 2002 in the amount of \$95,381.55 be paid.

five (5) Ayes      Carried

Received and filed Erie County Sheriff's Report for November 2002.

Received and filed notification of an Article 78 lawsuit filed by Carl and Suzanne Borowicz for an order vacating and annulling a Zoning Board of Appeals determination of the Town of Boston.

Received notification from NYS DOT that a 45-MPH speed limit will be established for Rockwood Road from Shero Road to Rice Road and a 45-MPH speed limit on Boston Cross Road from Cole Road to the existing 35-MPH speed limit.

Received notification from the ECWA of Tariff Amendments effective January 1, 1003.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to table the National Fuel 2003 Annual Blanket Highway Work Permit to remain in effect until 12/31/03.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Wiktor to schedule a Public Hearing for Proposed Local Law No. 7 of the Year 2002, entitled, "A Local Law to Establish a Partial Exemption for Qualified Volunteer Firefighters and Emergency Squad Members", for January 22, 2003 at 7:45 P.m.

five (5) Ayes Carried

Received a request for re-appointment to the Assessment Board of Review from Herbert Berlin.

Supervisor Eagan commented that when he was the Town Assessor he had the pleasure of working with Herbert Berlin and noted that he is extremely competent, knowledgeable and does a great job.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to re-appoint Herbert Berlin to the Assessment Board of Review, term to expire 9/30/07.

five (5) Ayes Carried

RESOLUTION 2002-57 STOP DWI GRANT PROGRAM

Received a Planning Board determination that the Site Plan Review application for the Southtowns Rural Preservation Co. Inc. addition of residential units at 9441 Boston State Road, with the modification of parking, is complete.

REGULAR TOWN BOARD MEETING      TOWN HALL

DECEMBER 18, 2002      7:30 P.M.

Town Attorney Perley commented that he has not reviewed the updated plans for a modification to the Site Plan for the Southtowns Rural Preservation Co.

A motion was made by Councilman Wiktor and seconded by Supervisor Eagan to schedule a Public Informational Hearing on January 22, 2002 at 7:50 p.m. on the Site Plan Review application for the Southtowns Rural Preservation Co. Inc., 9441 Boston State Road.

five (5) Ayes      Carried

RESOLUTION 2002-56      LOWER SPEED LIMIT ON CHESTNUT RIDGE ROAD

A Public Hearing was held on December 4, 2002 regarding an application by Mobiletech Communication Corp. for a Special Permit

for Co-Location to a Telecommunication Facility at 6405 Ward Rd.

Town Attorney Perley noted that Mobiletech Communications Corp. has demonstrated need and that the Telecommunication Facility at 6405 Ward Road is the appropriate site for the project. Two co-locations exist on the Ward Road Tower without permits and SBA has been contacted.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the application by Mobiletech Communication Corp. for a Special Permit for Co-Location to a Telecommunication Facility at 6405 Ward Rd.

five (5) Ayes    Carried

#### SUPERVISOR REPORT

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

Supervisor Eagan reported that the ECWA and the Orchard Park Town Board approved a Lease Management Agreement to provide water to the Town of Boston. Nussbaumer & Clarke Engineers will provide a construction schedule by the next Town Board meeting.

Supervisor Eagan reported that the traffic signal at the Boston Colden/Boston State/West Tilden intersection is under construction.

Supervisor Eagan announced that he attended a DARE program at the Colden Elementary School.

#### TOWN CLERK REPORT

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

five (5) Ayes    Carried

Town Clerk Shenk announced that he will be on military leave from January 3-17, 2003.

Town Clerk Shenk announced that the Swearing-In Ceremony for Richard Hawkins and Stephen Tills is scheduled for January, 1, 2003 at 1:00 p.m. The public is welcome to attend.

Town Clerk Shenk commented that he enjoyed working with Councilman Edington this past year and thanked him for maintaining a very professional and positive relationship.

#### TOWN ATTORNEY REPORT

Town Attorney Perley wished the Town Board and the public the best of the Holiday Season and a good 2003.

REGULAR TOWN BOARD MEETING      TOWN HALL

DECEMBER 18, 2002      7:30 P.M.

#### TOWN ATTORNEY REPORT (CONT.):

Town Attorney Perley reported that the Demolition Bond for the SBA Tower was cancelled, renewed and filed with the Town Clerk.

#### COUNCILMAN REPORT

Councilman Mead extended a wish for the best Holiday Season.

Councilman Wiktor reported that the Boston Fire Company will conduct a basic firefighter course for 2003. The Fire Council has been working with EC Radio and Channel 4 to install a UHF-RXTX link for Hamburg Fire Control to better service the area.

Councilman Wiktor announced that the Red Cross will be at the North Boston Fire Company for a blood drive in January. The dates will be published.

Councilman Wiktor congratulated the North Boston Fire Company for receipt of a FEMA grant of \$89,000. Congressman Quinn sponsored a program that offers assistance to fire companies for preparation of the grants.

Councilman Wiktor wished all a very joyous holiday season. He commented that it has been a pleasure working with Councilman Edington and that he has done an admirable job.

Councilman Simmeth reported that Erie County Legislator McCarville confirmed that Erie County will contribute \$8,300 to the traffic signal at the Boston Colden/Boston State/West Tillen intersection. A request was made to Senator Volker for funding also.

Councilman Simmeth met with the Erie County Project Manager overseeing the Omphalius Road project and discussed drainage problems on LuDon Drive. Work on Omphalius Road will continue through the winter.

Supervisor Eagan noted a senior resident complained that there is a detour on Omphalius and there are no lights directing traffic.

Councilman Simmeth reported that regarding Timber Harvesting, a resident on Powerline Road is planning on logging and residents are concerned about various problems. He referred the residents to Town Attorney Perley for advice.

Town Attorney Perley responded that he will attempt to present legislation regarding Timber Harvesting to the Town Board at the December 30, 2002 meeting.

Councilman Edington announced that Erie County is offering a Computer, Cell Phone and Christmas Tree Recycling event on January 11, 2003 at Chestnut Ridge Park.

Councilman Edington requested that the Town Clerk send confirmation to Mr. Hody that his request for appointment to the Planning Board has been received and is on file.

Councilman Edington thanked the Town Board noting that he has enjoyed his service to the community during the past year and wishes them the best in the future and a happy holiday season.

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

Received and filed the Recreation Director's monthly report for November 2002.

REGULAR TOWN BOARD MEETING      TOWN HALL

DECEMBER 18, 2002      7:30 P.M.

Supervisor Eagan wished all a healthy and wealthy holiday.

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

---

DAVID J. SHENK, TOWN CLERK