

Town Board Minutes January 16, 2002

REGULAR BOARD MEETING TOWN HALL

JANUARY 16, 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.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the January 2, 2002 Regular Monthly Meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Edington, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #1A, dated January 16, 2002 in the amount of \$103,143.97 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, upon review by the Town Board, that the Highway Bills on Abstract #1A, dated January 16, 2002, in the amount of \$25,757.40 be paid.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington to accept the Town Clerk Monthly Report for December 2001.

five (5) Ayes Carried

Received and filed Erie County Sheriff's Report for December 2001.

RESOLUTION 2002-03 TOWN OF BOSTON HONORS DR. NORMAN & ELSIE HERTZ

Councilman Mead presented Dr. Norman and Elsie Hertz with the Town Board Resolution.

Dr. Hertz thanked the Town Board for this honor, for this evening and for the past forty years noting that the residents of Boston have been very good to them and that they are appreciative and will miss everyone.

Received a letter from Paul A. Jusko requesting re-appointment to the Planning Board.

A motion was made by Councilman Mead and seconded by Councilman Edington to re-appoint Paul Jusko to the Planning Board, term to expire February 1, 2009.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the Annual Audit conducted by the Town Board of all Town Officials controlling funds and to accept the Town Justices, Town Clerk, Tax Collector, Dog Control Officer and Bookkeeper Annual Reports for 2001.

five (5) Ayes Carried

At 7:40 a Public Hearing was held for the purpose of hearing public comments regarding consideration of the application of Robert DeSantis for a Special Use Permit for a temporary structure at 6346 May Drive.

Supervisor Eagan read the legal notice and noted that 27 neighboring property owners were notified of the Public Hearing.

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PUBLIC HEARING (CONT):

Robert DeSantis,
6346 May Drive: Four years
ago I was issued a permit
and since then I haven't
made any changes to the
structure in shape, size
or location. The only use
of the structure is to store my boat.

A motion was made by Councilman Mead
and seconded by Councilman Simmeth
to close the Public Hearing at 7:42 p.m.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to grant Robert DeSantis, a Special Use Permit for a temporary structure at 6346 May Drive, to expire 12/31/03

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Edington to authorize the attendance of Supervisor Eagan, Deputy Town Clerk Ellis, Councilman Simmeth, Town Justice Bender, Town Justice Tills, Court Clerk Kummer, Assistant to the Supervisor Costello and Assessor Hornberger at the NY City Association of Towns Annual Conference on February 16-20, 2002 and appoint Councilman Simmeth as the Delegate and Supervisor Eagan as the Alternate Delegate.

five (5) Ayes Carried

At 7:45 a Public Hearing
was held for the purpose
of hearing public comments
regarding consideration of
the application of Omnipoint
Holdings, Inc. for a Special
Permit for co-location of a
telecommunication tower at
6405 Ward Road.

Supervisor Eagan read the legal
notice and noted that 15 Boston
and 13 Orchard Park neighboring

property owners were notified

of the Public Hearing.

Received a Planning Board letter

dated November 30, 2001 recommending

approval of the co-location application

submitted by Omnipoint Holdings,

subject to all documents legally required being in order, need is verified by RFP Specialist William Johnson and a receipt of documentation which verifies the prior approval of all existing antennas on this tower.

Received a letter from RFP Specialist William Johnson affirming the need for enhanced coverage for Voicestream Wireless and recommending favorable consideration for the co-location request.

Town Attorney Perley, upon request, received a letter dated January 8, 2002, from SBA Zoning Specialist, Gary Ferrara listing the Telecommunication Providers (Cell Phones) as Cellular One, Nextel and Sprint and Paging/Private Providers (Whip Antennas) Family Station, Pfeiffer Group, US Dept. of Justice, FBI, US Government and Weblink Wireless, currently on the Ward Road tower. REGULAR BOARD MEETING TOWN HALL

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PUBLIC HEARING (CONT):

Town Attorney Perley noted that the Town of Boston Telecommunications Law (Local Law #6?1997), defines telecommunication facilities as towers and/or antennas and accessory structures together used in connection with the provision of cellular telephone service, personal communication services, paging services radio and television broadcast services and similar broadcast services. Based upon the four Paging/Private Providers listed in Mr. Ferrara's letter it is unclear whether or not they fall within the Town of Boston Telecommunication law.

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to direct Town Attorney Perley to enter into further communication with Mr. Farrara, SBA Zoning Specialist, concerning the Paging/Private Providers status on the Ward Road Antenna.

five (5) Ayes Carried

Town Clerk Shenk provided the neighboring property owners with notification of this Public Hearing that contained a technical error in referencing a street address.

Town Attorney Perley rendered an opinion that the technical error in the notification to neighboring property owners shall not constitute grounds to nullify any action of the Town Board and that this Public Hearing may be closed and a determination made upon the application.

The Town Board, Town Attorney, Town Clerk and Code Enforcement Officer confirmed that no inquiries were received from residents regarding this Public Hearing.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to close the Public Hearing at 7:55.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Edington to declare the Town Board as Lead Agency and issue a Negative Declaration in regard to the SEQR process and approve the application of Omnipoint Holdings, Inc. for a Special Permit for Co-location of a telecommunication tower at 6405 Ward Road.

five (5) Ayes Carried

Councilman Mead directed Town Clerk Shenk to notify the Assessor regarding approval of the Omnipoint Holdings, Inc. application.

A motion was made by Councilman Simmeth and seconded by Councilman Edington to grant the Boston Democratic Club permission to use the Town Park and Community Room for the 41st Annual Easter Egg Hunt on Saturday, March 30, 2002. A \$50.00 security deposit has been received.

five (5) Ayes Carried

RESOLUTION 2002-04 DEFERRED COMPENSATION ? TO AMEND

AND RESTATE THE MODEL PLAN

A motion was made by Councilman Wiktor and seconded by Councilman Edington to approve the following appointments to the Friday Night Recreation Program, effective 1/4/02 and to expire on 5/31/02:

NAME TITLE HOURLY WAGE

Kate Barbati Supervisor \$7.50

Alexandra Hess Counselor \$6.25

Katie Martin Counselor \$6.25

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RECREATION APPOINTMENTS (CONT.):

NAME TITLE HOURLY WAGE

Nicholas Pablocki Counselor \$6.25

Tracy Guzzetta Counselor \$6.25

Jessie Hess Counselor \$6.25

Jessica Arlow Sub Counselor \$6.25

Stephanie DeSantis Sub Counselor \$6.25

Shannon Howard Sub Counselor \$6.25

Emily Lundberg Sub Counselor \$6.25

Nicole Mulawka Sub Counselor \$6.25

Angela Rados Sub Counselor \$6.25

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to grant Recreation Director Clesse permission to attend the 62nd Annual NYS Recreation and Park Society Conference in Syracuse NY March 10-13, 2002, all appropriate expenses to be paid.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Edington to grant the Boston Arts Council use of the Lions Shelter and Community Room for the 12th Annual Summer Concert Series, 6:30 p.m. to 9:00 p.m., all Tuesdays, June 25th through Aug. 27th 2002.

five (5) Ayes Carried

Town Attorney Perley reviewed the proposed 2002 Annual Blanket Highway Work Permit and deemed it is appropriate.

A motion was made by Councilman Mead and seconded by Councilman Edington to grant National Fuel the 2002 Annual Blanket Highway Work Permit.

five (5) Ayes Carried

Supervisor Eagan appointed the Hillfest Committee as follows:

Effie Frank, Chairperson Jack Racinowski, Vice Chairperson

Peggy Stringfellow, Secretary Stephen Tills, Treasurer

Sondra Kadlubowski Doris Pilato

James Staub Duane Fischer

Nick Butera Sue Racinowski

Lisa Rood Barbara Dumain

Town Attorney Perley reviewed the Erie County Nutrition Contract and determined that it is appropriate for the Town Board to authorize the Supervisor to execute the contract.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to authorize Supervisor Eagan to sign the Erie County Nutrition Contract.

five (5) Ayes Carried

Received a request from Town Clerk Sherk to appoint a Voting Machine Custodian to participate in annual voting machine maintenance, repairs, attend training and on-call election days.

Town Attorney Perley noted that authorization from Erie County Department of Personnel may be required to create the position of Voting Machine Custodian.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to table the appointment of a Voting Machine Custodian and request the Erie County Department of Personnel provide the correct title/position.

five (5) Ayes Carried

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A motion was made by Councilman Mead and seconded by Councilman Edington to authorize the Highway Superintendent to spend Town Highway Funds for 2002 on Rockwood and Patchin Roads.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to refer to the Planning Board for review and recommendation, the Site Plan for FOP Holdings, LLC, 7287 Boston State Road.

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor Eagan reported that he has been working with the Town Bookkeeper to improve the process and procedures, upgrade software and other technical support needed for the Bookkeeper Office. The Town is way behind other communities in terms of technology and he thanks the Town Board for their support in his effort to upgrade.

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Mead to authorize the Town Clerk to insert a Recreation Flyer with the Town and County tax bills.

five (5) Ayes Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that regarding the December 2001 storm, truck travel was just under 5,000 miles. He will attend a FEMA meeting on January 24th with Connie Miner, Procurement Specialist.

Supervisor Eagan commented that he received a request from Erie County for information regarding damage sustained during the December 2001 storm and inquired as to why the Highway Department will apply for FEMA funds separately from the town.

Highway Superintendent Kreitzbender responded that Erie County declared the emergency and is seeking more funds than FEMA normally allows so all department figures have been requested.

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the lawsuit of Burt Feltz, former Highway Working Crew Chief, vs. the Town of Boston was on appeal and argued in the Appellate Division of the Supreme Court last week. The court will render a decision in approx. a month.

COUNCILMAN REPORT

Councilman Wiktor reported that the Friday Night Recreation Program is running well and enrollment is up.

Councilman Wiktor reported that the Ski Program sends two busses of skiers to Kissing Bridge and commends the chaperones. Kissing Bridge, in conjunction with Charlaps Dairy, is recognizing teenagers in the program with certificates and refreshments for assisting others during the Saturday morning ski program.

Councilman Wiktor reported the first of the Winter Concert Series was held last night and attendance was low due to inclement weather. He thanked the Highway Superintendent for plowing. The next concert will be February 12, 2002 with Pat Shea performing.

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CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officer's Annual Report for 2001 was received and is on file in the Clerk's Office.

A motion was made by Councilman Mead and seconded by Councilman Edington to adjourn the meeting at 8:13 p.m.

DAVID J. SHENK, TOWN CLERK