

Town Board Minutes January 8, 2003

REGULAR BOARD MEETING TOWN HALL

JANUARY 8, 2003 7:30 P.M.

Present were Councilman Damian P. Wiktor, Councilman Richard K. Hawkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Supervisor William A. Eagan, Highway Superintendent Wayne C. Kreitzbender and Town Attorney Michael F. Perley.

RESOLUTION 2003-03 AUTHORIZING THE ADVERTISEMENT OF BIDS FOR WATER DISTRICT #3

A motion was made by Supervisor Eagan and seconded by Councilman Mead to appoint Michael F. Perley as Deputy Prosecutor during the absence of Deputy Town Attorney/Prosecutor Terrizzi.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to adopt the minutes of the December 30, 2002 year-end 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 #1, dated January 8, 2003 in the amount of \$177,655.69 be paid.

five (5) Ayes Carried

Received, filed, and a copy forwarded to the Code Enforcement Officer, a Pipeline Company Facility Map from Tennessee Gas Pipeline.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to appoint the following:

APPOINTMENT TITLE TERM

Joseph G. Terrizzi Dep. Town Attorney/Prosecutor 12/31/03

Dennis J. Kramer Code Enforcement Officer, PT 12/31/03

Frank H. Lisowski Jr. Dep. Code Enforcement Off, PT 12/31/03

Richard P. Waszak Dog Control Officer, PT 12/31/03

Donna Huson Dep. Dog Control Officer, PT 12/31/03

Marilyn B. Clesse Recreation Director, PT 12/31/03

John D. Politowski Court Officer, PT 12/31/03

Wendy Kummer Court Clerk 12/31/03

Jennifer A. Mule Deputy Town Clerk, PT 12/31/03

Kathleen Selby Bookkeeper 12/31/03

Eileen Hopkins Clerk, PT 12/31/03

Julie Costello Assistant to Supervisor 12/31/03

Thelma Faulring Secretary to Boards/Committees 12/31/03

Joyce Rote Clerk, PT 12/31/03

Mary Ann Jehle Town Historian 12/31/03

Margaret Edington Bingo Inspector 12/31/03

Theresa Horschel Nutrition Prog. Director, PT 12/31/03

Joyce Jensen Asst. Nutrition Director, PT 12/31/03

Leo Jensen Laborer PT 12/31/03

Joyce Carr Marriage Officer 12/31/03

Herbert Klein Liaison - Cobblehill Cemetery 12/31/03

five (5) Ayes Carried

Town Attorney Perley administrated the oath of office to the new appointees.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to continue the salary of appointed and elected officials, except Highway Department personnel, at the 2002 salary rate.

five (5) Ayes Carried

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A motion was made by Councilman Mead and seconded by Councilman Hawkins to continue to compensate Highway Department personnel in conformance with the Collective Bargaining Agreement between the Town of Boston and Local 17 of the Operating Engineers.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to set the payment of salaries for 2003 as follows:

Bi-weekly checks to the Town Clerk, Deputy Town Clerks, Supervisor, Assistant to the Supervisor, Highway Superintendent, Highway Crew Chief, Bookkeeper, Court Clerk, Clerk PT, Assessor, Assessment Clerk, M.E.O.'s, Truck Drivers and Laborers P/T, all others are paid on a monthly basis.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to:

Designate the North Boston Branch of the Evans National Bank as the official bank for the Supervisor, Town Clerk, Town Justice's, and Tax Collector.

Schedule the dates and times for the Regular Monthly Meetings and Agenda Review as follows:

Town Board Meeting - First and third Wednesday
of each month at 7:30 p.m.

Agenda Review - Monday prior to the first
Wednesday of each month at
6:00 p.m. and if this is a
holiday, session will be held on following day at 6:00 p.m.
and on the third Wednesday
at 6:15 p.m.

Designate the Springville Journal and the Hamburg Sun of H & K Publications as the Official Town Co-
Newspapers.

Authorize Supervisor and Tax Collector to invest surplus monies.

Accept the investment policy previously adopted by the Town Board where idle town monies may be
invested, subject to any further regulation from the State Comptroller pursuant to section 39 of the
General Municipal Law as follows:

1. Obligations of Federal Government - Treasury Notes,
Treasury Bills, etc.

2. Obligations of Federal Agencies Guaranteed by the
Government.

3. Obligations of the State of New York

4. Certificates of Deposit in Commercial Banks which are
FDIC insured.

5. Regular Savings Accounts, Money Market Accounts in Commercial Banks if proper securities are
provided for all monies invested in excess of amt. secured by FDIC.

6. Tax Anticipation Note and Revenue Anticipation Notes of another municipality, district,
corporation or school district, any other investments not listed will require prior approval by the Town
Board and be in conformance of all state statutes.

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The Town Supervisor will keep a record of all such investments and provide a report to all Town Board
Members monthly.

Authorize the use of a signature stamp and a check writer machine by the Supervisor as required by the
State Comptroller.

Set the town mileage rate at \$.32 per mile.

Set the Annual Audit Meeting for January 23, 2003 at 6:00 p.m.

Authorize Supervisor to lend funds from one account to another.

Approve form and sufficiency of the bonds.

Direct the Town Clerk to send letters to refuse collectors for renewal of their annual licenses.

Assign the following work days to be reported to NYS Retirement for elected and appointed Town Personnel with six (6) hours being designated as a work day for NYS Retirement purposes:

Town Justices Supervisor

Dep. Town Attorney/Pros. Councilman

Deputy Supervisor Code Enforcement

Deputy Code Enforcement Assessor

Town Attorney Court Officer

Recreation Director Assessment Clerk

Assign the following work days to be reported to NY State Retirement for elected and appointed Town Personnel as full time based on a seven (7) hour work day for NYS Retirement purposes:

Town Clerk

Superintendent of Highways

Deputy Town Clerk

Bookkeeper

Assistant to Town Supervisor

Court Clerk

Approve the Public Improvement Specifications agreed upon by the Highway Superintendent and the Town Engineer.

Set Petty Cash funds: Town Clerk-\$300.00,Town Justices-\$100.00.

five (5) Ayes Carried

Appointment to the NEST Solid Waste Management Board were tabled.

RESOLUTION 2003 - 1 PROCUREMENT POLICY

RESOLUTION 2003 ? 2 ADOPT THE SCHEDULE OF FEES

A motion was made by Councilman Mead and seconded by Councilman Simmeth to set the following 2003 Holidays for the Town of Boston:

Jan. 1, Wed.-New Year's Day, Jan. 20, Mon.-Martin Luther King, Feb. 17, Mon.-President's Day, April 18, Fri.-Good Fri., May 26, Mon.-Memorial Day, July 4, Fri.- Independence Day, Sept. 1, Mon.-Labor Day, Oct. 13, Mon. - Columbus Day, Nov. 4, Tues.-Election Day, Nov. 11, Tue.-Veteran's Day, Nov. 27, Thurs.- Thanksgiving Day, Nov. 28, Fri. ? Day After Thanksgiving, *Dec. 24, Wed.-1/2 Day Christmas Eve, Dec. 25, Thurs. Christmas, *Dec. 31, Wed.-1/2 Day New Year's Eve.

*Half day applies only to Town Hall employees. These half days are not observed by Highway Department employees who receive one more Personal Day than Town Hall employees.

five (5) Ayes Carried

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Received the following proposals for Town Engineering Services:

TVGA Consultants Rate schedule provided letter 12/23/02

Foit-Albert Associates Rate schedule provided letter 1/6/03

R&D Engineering Inc. Rate schedule same as 2002

A motion was made by Councilman Mead and seconded by Councilman Hawkins to appoint Foit-Albert Associates as the Town Engineering Firm per their letter dated 1/6/03, term to expire December 31, 2003 and authorize the Supervisor to sign the agreement.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, on the recommendation of the Planning Board, to re-appoint Richard Brox as Town Planner, at the same fee as 2002, term to expire December 31, 2003.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to renew the Boston Free Library Association Lease Depository Agreement, effective 1/1/03-12/31/03.

Councilman Wiktor Voting Abstain

Councilman Hawkins Voting Aye

Councilman Simmeth Voting Aye

Councilman Mead Voting Aye

Supervisor Eagan Voting Aye

four (4) Ayes One (1) Abstain Carried

Councilman Wiktor commented that he abstained from voting on the Boston Free Library Association Lease Depository Agreement due to the fact that he is a Boston Free Library Board Member.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to authorize the attendance of the following for the NYS Association of Towns Annual Training Conference, Feb. 16-19, 2003, and approve payment of registration, plane fare, hotel (single rate), and a \$200 food allowance:

Councilman Simmeth Assessor Hornberger

Town Justice Bender Deputy Town Clerk Ellis

Town Justice Tills ZBA Member Praczkajlo

Court Clerk Kummer ZBA Member Hirsch

Supervisor Eagan

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead to appoint Councilman Simmeth as delegate and Town Justice Tills as alternate delegate for the Association of Towns Annual Training Conference, February 16-19, 2003.

five (5) Ayes Carried

RESOLUTION 2003-04 MODIFY THE COMPOSITION OF THE CONSERVATION ADVISORY COUNCIL

Received a request from Mark and Kelly Palmer, 5457 South Feddick Road, for an accessory apartment above their garage.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to refer to the Planning Board the request of Mark and Kelly Palmer, 5457 South Feddick Road, for an accessory apartment above their garage.

five (5) Ayes Carried

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Town Attorney Perley noted that regarding concerns with private contractors, an agreement has been reached with Richard Fiorella, P.E., Superintendent of Engineering for National Fuel, on the 2003 Annual Blanket Highway Work Permit. The necessary documentation has not been prepared for attachment to the Blanket Permit.

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to extend the existing National Fuel Blanket Highway Work Permit to January 22, 2003.

five (5) Ayes Carried

SUPERVISOR REPORT

Notification was received from Erie County Executive Giambra that

2003-2004 CDBG funds have been approved for the Irish Stream Bank Eroision-\$90,0000 and Southtowns Rural Transit Service-\$180,271.

Supervisor Eagan complimented Grants Writer Connie Miner for her assistance with our grants and noted that the CDBG Committee reported this is the first grant for a town project in two years.

Supervisor Eagan received an acknowledgement from ECWA to Nussbaumer & Clarke Engineers for construction of the Town of Boston Water #3 Facilities including mains, pump stations, storage tanks etc. Supervisor Eagan thanked everyone who helped with this project.

Supervisor Eagan complimented Highway Superintendent Kreitzbender and his crew on the condition of the town roads.

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Town Clerk monthly report for December 2002.

five (5) Ayes Carried

Town Clerk Shenk announced that he sent in a newspaper article regarding the transition from BFI to Waste Management. Residents who have not received a green WM recycle bin and flyer can pick them up in the Town Clerk's office. The blue recycle bin should be placed for pick-up by BFI on your garbage day. The program remains the same except items for pick-up must be out by 6:30 a.m., because WM uses two trucks daily that collect both refuse & recyclables.

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that 7,366 miles in November and 11,632 miles in December were plowed. Snow banks are being pulled down on for better sight visibility.

TOWN ATTORNEY REPORT

Town Attorney Perley welcomed Councilman Hawkins to the Town Board.

Town Attorney Perley reported that he is in the process of preparing a report mapping the existing Town Lighting Districts to be filed in the Town Clerk's office.

Supervisor Eagan reported that regarding the installation of the traffic device at the Boston State/Boston Colden/West Tillen Roads intersection, the light was turned on before Christmas and now we are waiting for the installation of the beacons.

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COUNCILMAN REPORT

Councilman Mead welcomed the students in attendance and noted that students and the public are welcome at the agenda review meetings to give them a different flavor for the operation of the town.

Councilman Mead reported that the Town Hall phone system has been updated with a direct dial menu and two new lines have been added.

Town Clerk Shenk noted the lines were installed today and the programmer will incorporate them into the system on Friday, which should eliminate busy signals.

Councilman Wiktor congratulated the students still in attendance that stayed for entire meeting.

Councilman Wiktor chaired the East Hill Advisory Committee meeting on December 23, 2002. Mr. Jeff Genzel requested permission to drill a well for his new home in an area in which there is a building moratorium. Since Mr. Genzel's application was received before the moratorium was effective, and no negative responses were received from adjoining neighbors, the committee granted him permission to drill a well.

Councilman Simmeth welcomed Councilman Hawkins to the Town Board.

Councilman Simmeth: Supervisor Eagan informed the Town Board that he will not be appointing a Board Member as Deputy Supervisor. I feel it should be a Board Member because he has a vote and is up to par with town functions, policies and procedures. It could be part of a Councilman's duties with no additional pay. At this point I feel it is the right prudent action to take. Orchard Park has done fine with out it (Deputy Supervisor position). At this time I don't think we need it anymore. I don't know how the other Councilman feel. Mr. Perley, I asked you in the Agenda Review meeting if we can legally eliminate the position of the Deputy Supervisor.

Town Attorney Perley: Yes you can, this is a town of the second class. In a town of the second class the position has to be created by the Town Board which implies the right on the part of the Town Board to abolish the position by a motion.

A motion was made by Councilman Simmeth to eliminate the position of Deputy Supervisor.

Supervisor Eagan: The position of Deputy Supervisor has been around twenty years. People holding many different positions held it at one time. Councilmen have had it in the past and was paid for it. I came into office and filled that position with an individual who was paid \$500 and did more than \$500 worth of work. That is a confidential position. It was a good position to fill with an aide. There are meetings that conflict and a Supervisor's schedule can be hectic. Mr. Hawkins will attest that he was very busy attending agenda review meetings and town board meetings to make sure he was up to date on what was going on in the town. When he wasn't able to attend, I filled him in. He helped with the budget, Creekside Subdivision sewer issues, spearheaded the efforts of the 219 Scenic By-Ways Committee and was helpful in attending Orchard Park meetings to keep us aware of what was going on with the water issue. I object to any motion or proposal to do this because I think it is political. The Town Board never moved to eliminate this position in the past and all of a sudden Councilman Simmeth is proposing something that was never brought up before. I would like to ask Councilman Simmeth, what

is the motivation on your part, what is the benefit of eliminating that position if it's not given to the Town Board?

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COUNCILMAN REPORT(CONT.)

Councilman Simmeth: I want to share with the public my feelings on this. If you had been listening I said, it could be part of a Councilman's duty with no additional pay and they have a vote.

Supervisor Eagan: So you are trying to take a cost saving measure?

Councilman Simmeth: I didn't say that. Don't put words in my mouth. It could be part of a Councilman's duty just like nutrition, the senior citizens, the CAC, liaison to the Planning Board, it would just be an extra duty for a Councilman. You have to admit that the Councilmen are up to date on what is going on.

Supervisor Eagan: Politically too. What you are doing is a cost saving measure as well. Are you saving money?

Councilman Simmeth: I didn't say that.

Supervisor Eagan: Let's save some money. I was just informed and I would like to know, are we supposed to pay Deputy Town Attorney/Prosecutor Terrizzi while he is on vacation?

Town Attorney Perley: He is on salary.

Supervisor Eagan: Are we supposed to pay that salary no matter how long he is gone?

Town Attorney Perley: Yes.

Supervisor Eagan: For the whole period he is gone?

Town Attorney Perley: For the period that he is not available, yes.

Supervisor Eagan: I need that in writing from you. As the Supervisor I am requesting from Town Attorney Perley to give me that opinion in writing by Friday.

Town Attorney Perley: You will have it before the next meeting.

Supervisor Eagan: If we are going to be in a cost mode situation and if we are going to save money by not having a Deputy Supervisor, which I asked for an increase to \$1,000, maybe we should start looking at the salary schedules of some of the other positions here. Our Town Attorney's contractual went up 100% and he received a 6% raise last year and wants 3% this year. Maybe we should forgo those raises. If we are going to cut something because we can have it done for nothing, the interpretation is that we are saving the taxpayer \$1,000. If it were in fact being wasted, and I don't believe it is, then I say we should go further. Instead of being selective and arbitrary, I think we should go further and look in these schedules and see where we can save some additional funds for this community. Number one, I am not sure that we should be paying somebody who may be out of town for a long period of time and not rendering a service to this community. Number two, if we are going to cut costs, let's look at everything. I think it's a waste of exercise of this Board to eliminate something that has been there for every Republican Supervisor that has been in this town.

Councilman Hawkins: I was the Deputy Supervisor last year and Supervisor Eagan wanted somebody who was not a Town Board member to be the Deputy Supervisor so that there could be an outside opinion and an outside view of what was going on and there wasn't a political agenda. I also believe that the Deputy Supervisor is the only one who, if the Supervisor becomes incapacitated for whatever reason, can sign documents needed to fulfill that

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COUNCILMAN REPORT(CONT.)

Councilman Hawkins (Cont.): obligation for the town. I feel I worked very hard last year as the Deputy Supervisor. I did attend a lot of meetings and I really feel that this position should not be eliminated because a Supervisor, is only as good as the people he has working for him. He has to be able to designate jobs to other people and what better person to designate than the Deputy Supervisor?

Supervisor Eagan: I have already appointed Sheri Pluta, who is not a Democrat, not a Republican. She is an independent voter. She has been active in this community. She is a ten-year member of the town band. She has spent two and a half years in the formative years of the Hillfest Committee. She was chairman. She was on the Tri-q committee in the early nineties and I believe she was a past member of the Patchin Fire Hall Ladies Auxiliary. I didn't just pick someone out of the air as a political cronie. I picked someone I felt was community involved and who showed she has some stripes earned for serving this community. She took her oath of office yesterday.

Councilman Simmeth: Councilman Hawkins, you do have a very good point about signing documents. Mr. Perley who would be able to sign for the Supervisor?

Town Attorney Perley: The Town Board can designate someone to sign documents on behalf of the town.

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to eliminate the position of Deputy Supervisor.

Councilman Wiktor Voting Aye

Councilman Hawkins Voting Nay

Councilman Simmeth Voting Aye

Councilman Mead Voting Aye

Supervisor Eagan Voting Nay

three (3) Ayes two (2) Nays Carried

Councilman Hawkins noted it was his first Town Board meeting and thanks everyone for the opportunity to serve this community.

Councilman Hawkins announced that the Erie County Xmas tree/computer/cell phone recycling program will be Saturday, January 11, 2003 at Chestnut Ridge Park.

PLANNING BOARD REPORT

A motion was made by Councilman Mead and seconded by Councilman Wiktor to appoint the Chairman and accept the Planning Board Officers for 2003 as follows:

Chairman - Patricia Hacker

Vice Chairman ? David Stringfellow

Secretary - Kevin Maxwell

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to accept the Planning Board 2002 Annual Report.

five (5) Ayes Carried

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CONSERVATION ADVISORY COUNCIL REPORT

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to appoint the Chairman and accept the Conservation Advisory Council Officers for 2003 as follows:

Chairman - Richard Lee

Vice Chairman ? Lynn Zachmann

Secretary - Paul Speich

five (5) Ayes Carried

CODE ENFORCEMENT OFFICERS REPORT

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

RECREATION DIRECTOR REPORT

A) Recreation Director's monthly report for December 2002 was received and is on file in the Clerk's Office.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to adjourn the meeting at 8:19 p.m.

DAVID J. SHENK, TOWN CLERK