

Town Board Minutes June 4, 2003

REGULAR BOARD MEETING TOWN HALL

JUNE 4, 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, and Town Attorney Kelly A. Vacco.

Absent: Highway Superintendent Wayne C. Kreitzbender.

Florence Wendling, St. John the Baptist Church, opened the meeting with a prayer.

Supervisor Eagan clarified the Transfer of Appropriations approved at the 4/2/03 Town Board meeting noting that the transfers relate to the year-end December 31, 2002 and not 2003.

Councilman Hawkins received notification from Attea & Attea Attorneys requesting a Town Board resolution for a Certificate of Amendment of Certificate of Incorporation for the Patchin Fire Company. The only change is to the original name of the company and the number of directors that serve on the board.

A motion was made by Councilman Hawkins and seconded by Councilman Wiktor to approve the Certificate of Amendment of Certificate of Incorporation for the Patchin Fire and Community Association.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the May 21, 2003 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan, upon review by the Town Board, that the fund bills on Abstract #6, dated June 4, 2003, amount of \$52,716.67 be paid.

five (5) Ayes Carried

Received and filed a Certificate of Attendance for Herbert Berlin from the NYS Office of Real Property Services for the Board of Assessment Review Training.

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to schedule the summer meeting schedule as follows:

Monday July 14th ? 6:00 P.M. Agenda Review

Wednesday July 16th ? 7:30 P.M. Regular Meeting

Monday Aug. 11th ? 6:00 P.M. Agenda Review

Wednesday Aug. 13th ? 7:30 P.M. Regular Meeting

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon the recommendation of the Town Attorney, to authorize the Supervisor to sign an agreement for Water District #3 between the Town of Boston and the Town of Colden.

five (5) Ayes Carried

Received an overview of the Governmental Accounting Standards Board #34 (GASB 34).

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to approve the threshold dollar amount of \$300 for a capital item to conform to the Governmental Accounting Standards Board #34.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

JUNE 4, 2003 7:30 P.M.

Received a request from Code Enforcement Officer Kramer for the following proposed changes to the Zoning Ordinances:

Section 123-126

B. In R Districts

(1) Accessory building and roofed projections shall not occupy more than 25% of the actual rear yard.

(4) Maximum allowable height and square footage of lot coverage, for one and one half story accessory buildings.

Lot Area	Lot Coverage	Height(floor to ridge)
----------	--------------	------------------------

Less than 1 acre	728 sq. feet	18?
------------------	--------------	-----

1+2 acres	840 sq. feet	18?
-----------	--------------	-----

2+3 acres	1020 sq. feet	21?
3+5 acres	2000 sq. feet	23?
5+ acres	2500 sq. feet	25?

The following sections shall be deleted:

R-1 123-20C

R-2 123-27C

R-3 123-36C

R-A 123-50D

R-C 123-66C

A motion was made by Councilman Mead and seconded by Councilman Hawkins to refer a request from Code Enforcement Officer Kramer for proposed changes to the Zoning Ordinances to the Planning Board for review and recommendation to be returned to the Town Board by the July 16, 2003 regular meeting.

five (5) Ayes Carried

Supervisor Eagan noted the request for a review and recommendation from the Planning Board by July 16, 2003 is to enable all amendments to the Town Code to be packaged together in an effort to save the cost of updating the code book.

Received a Planning Board recommendation of approval for a rezoning request from Brian and Rochelle Wendling for 8350 Boston State Road, SBL# 241.08-1-11.1, from C-1 to R-2.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a Public Hearing for July 16th at 7:45 P.M for a rezoning request from Brian and Rochelle Wendling for 8350 Boston State Road, SBL# 241.08-1-11.1, from C-1 to R-2.

five (5) Ayes Carried

Received a Planning Board recommendation of approval for a rezoning request from Ronald Wierzba for the rezoning of 8338 Boston State Road, SBL# 241.08-1-10, from C-1 to R-2.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to schedule a Public Hearing for July 16th at 7:55 P.M for a rezoning request from Ronald Wierzba, 8338 Boston State Rd, SBL# 241.08-1-10, from C-1 to R-2.

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

JUNE 4, 2003 7:30 P.M.

Received a Planning Board recommendation of approval of an application for a proposed addition to the Three Girls Café, 8373 Boston State Road contingent upon:

A 10-foot deep by 20 foot wide paved apron installed at the driveway portion of the parking lot on Valley View Lane, inspected and approved by the Highway Superintendent.

The parking space, off Boston State Road and adjacent to Valley View Lane, is permanently removed by whatever means, in order to provide unobstructed visibility for motorists entering Boston State Road from Valley View Lane.

Received a determination from Foit-Albert Engineering that upon review of the SEQR, the action is classified as a Type II Action and as such, no determination of significance is required for the Three Girls Café application.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to approve an application for an addition to the Three Girls Café, 8373 Boston State Road, contingent upon the Planning Board recommendation, and to declare the Town Board Lead Agency.

five (5) Ayes Carried

SUPERVISOR REPORT

Received notification from NYS Office of Real Property Services that the 2003 equalization rate for the Town of Boston is 67.69%.

Supervisor Eagan requested that Town Attorney Vacco respond to a request from Richard May, 8075 Feddick Road, for the return of the title to his property and noted if it is not located, the town should absorb the cost of a new title.

Supervisor Eagan reported that Gary Eckis, Developer of the Polish Hill subdivision, noted that the installation of a pond and a dry hydrant requested by the Planning Board for fire protection is situated on a lot to be sold. There is no agreement between the town and the developer for the pond and a new owner may not wish to maintain the pond.

Town Attorney Vacco responded that there may not be an agreement but a directive from the Planning Board could easily be determined and she will prepare a report to the Town Board.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to place permanent Town of Boston seals on all town vehicles, including highway and park vehicles, tractors and heavy equipment.

Councilman Wiktor Voting Nay

Councilman Hawkins Voting Aye

Councilman Simmeth Voting Aye

Councilman Mead Voting Aye

Supervisor Eagan Voting Aye

four (4) Ayes One (1) Nay Carried

A Public Hearing was held at 7:50 P.M. to consider an application from Robert Rucker for the rezoning of vacant land on the east side of Boston State Road to change the current zoning of C-1 to R-3, SBL# 242.00-1-10-1.

Supervisor Eagan read the legal notice and noted that the applicant and 23 neighboring property owners were notified and sent an Assessor's map and letter of intent.

Received a Planning Board recommendation of approval for the Rucker rezoning request.

REGULAR BOARD MEETING TOWN HALL

JUNE 4, 2003 7:30 P.M.

PUBLIC HEARING (CONT.):

Received a determination

from Foit-Albert

Engineering that upon
review of the SEQR, the
proposed rezoning will
not have a significant
environmental impact.

Robert Rucker, Orchard Park,
noted that he is the
applicant and is available
to answer questions.

There were no public comments.

A motion was made by
Councilman Mead and seconded
by Councilman Simmeth to close
the Public Hearing at 8:52 P.M.

five (5) Ayes Carried

A motion was made by Supervisor
Eagan and seconded by
Councilman Simmeth to approve

the rezoning application for Robert Rucker to rezone vacant land, SBL# 242.00-1-10.1, from C-1 to R-3,
upon the recommendation of the Planning Board and to declare the Town Board as Lead Agency and
issue a Negative Declaration in regard to the SEQR process.

five (5) Ayes Carried

Supervisor Eagan noted the President of the Boston Patriots Football League is present and thanked him for painting the announcer's booth.

TOWN CLERK REPORT

A motion was made by Councilman Wiktor and seconded by Supervisor Eagan to accept the Town Clerk's Monthly Report for May 2003.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to accept the Tax Collector's Monthly Report for May 2003.

five (5) Ayes Carried

Deputy Town Clerk Ellis reported that she attended the PERMA conference in Bolton Landing on May 21, 2003 and will present a detailed report to the Town Board members in the near future. She found the conference very informative.

TOWN ATTORNEY REPORT

Town Attorney Vacco reported that next week she will meet with Bond Council to finalize the amended application to NYS Audit & Control for Water District No. 3.

Town Attorney Vacco has two meetings scheduled with landowners in Water District No. 3 regarding easements.

REGULAR BOARD MEETING TOWN HALL

JUNE 4, 2003 7:30 P.M.

COUNCILMEN REPORT

Councilman Mead thanked the President of the Boston Patriots Football League for painting the announcer's booth and noted that Rucker Lumber donated the paint.

Councilman Mead reported that he and Deputy Town Clerk Ellis discussed issues presented at the PERMA conference and he is looking forward to implementing the recommendations regarding the defibrillator and other items.

Councilman Wiktor reported that on Sunday June 8th between 8:00 a.m. and noon the Empire State Games Western Region Staff in conjunction with the US Cycling Federation and Buffalo Cycling Club will hold a cycling road race through Boston beginning at Boston State Road. Attention to keeping dogs away from the roadway would be appreciated. Roadways will not be closed and will not impede rescue vehicles.

Councilman Wiktor noted that he cast a negative vote on the motion concerning the requirement of the Highway Department to install permanent seals on vehicles and equipment because he believes that out of courtesy to the Highway Superintendent, who is not here this evening, the action should have been presented to him for his comments since he is responsible for his department.

Supervisor Eagan responded that he had a conversation today with Highway Superintendent Kreitzbender regarding placing seals on vehicles and he did not have any objections. The records will show that this was a past policy that is being renewed.

Councilman Simmeth announced the Erie County Electronics Recycling Program is June 14th, and a Household Hazardous Waste Drop-off is June 21st from 9:00 a.m. to 2:00 p.m. at Erie County Community College South Campus. Flyers are posted throughout the Town Hall.

Councilman Hawkins announced the Patchin Fire Company Annual Meat Auction is Saturday June 7, 2003. There will be free food and drinks and the auctioned meat comes from the Boston B-Kwik Market.

Councilman Hawkins reported he received a request for port-a-johns for the little girls playing on the lower ball diamonds.

Councilman Hawkins will contact Erie County Water Authority representative Paul Becker regarding hydrants in Boston that are not accessible by the fire companies.

Supervisor Eagan reported that after the Memorial Day Services on May 26th there was a reception at the AMVETS Post 219 and Town Clerk Shenk called from Northern Iraq. He is safe and sound and sends his regards to everyone.

CODE ENFORCEMENT OFFICERS REPORT

A) Code Enforcement Officers monthly reports for May 2003 were received and are on file in the Clerk's office.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to adjourn the meeting at 8:01 p.m.

KAREN A. ELLIS, DEPUTY TOWN CLERK