

## Town Board Minutes March 1, 2000

REGULAR BOARD MEETING      TOWN HALL

MARCH 1, 2000 7:30 P.M.

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

Rev. Gary Burdick, Faith United Church of Christ, opened the meeting with a prayer.

A motion was made by Councilman Simmeth and seconded by Councilman Tills to adopt the minutes of the February 16, 2000 monthly meeting.

five (5) Ayes      Carried

A motion was made by Councilman Wiktor and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #3, dated March 1, 2000 in the amount of \$29,012.97 be paid.

five (5) Ayes      Carried

A motion was made by Councilman Mead and seconded by Councilman Tills, upon review by the Town Board, that the Highway Bills on Abstract #3, dated March 1, 2000, amount of \$15,287.99 be paid.

five (5) Ayes      Carried

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

five (5) Ayes    Carried

#### REQUESTS FROM FLOOR

Anthony Bernardi, 6385 Willow Drive: I want to extend Willow Drive and I want to cut the street.

Town Attorney Perley: The Town Clerk will give you a Public Improvement Permit application to fill out and the Town Engineer will make a determination and decision on the road cut.

Anthony Bernardi: What time limit are we looking at? I am trying to do this before April 1st.

Town Attorney Perley: If you complete the PIP application in the next few days, the Town Engineer will be able to make a decision before the Town Board meeting on March 15, 2000.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to grant the Boston Welcome Wagon permission to use the Town Hall Property in front of the Town Hall on May 20, 1999 for the annual plant sale.

five (5) Ayes    Carried

Supervisor Rood commented that SHARCO Enterprises, Inc. requested a Special Use Permit to operate a topsoil shredding operation at 6752 Mill Street.

Town Attorney Perley noted that a Special Use is not allowed unless specifically authorized in the law. There is no authority for topsoil shredding so it is necessary to draft a law that has general application throughout the town. A copy of Proposed Local Law No. 1 is on file in the Town Clerk's office.

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A motion was made by Councilman Wiktor and seconded by Councilman Mead to schedule a Public Hearing on April 5, 2000 at 7:45 p.m. on Proposed Local Law No. 1 of the Year 2000, to Authorize the Town Board to Issue a Special Permit for the Screening of Topsoil in Certain Zoning Districts in the Town of Boston.

five (5) Ayes      Carried

RESOLUTION 2000-06    LOWER SPEED LIMIT ON BOSTON STATE ROAD

RESOLUTION 2000-07    LOWER SPEED LIMIT ON BOSTON COLDEN ROAD

Supervisor Rood requested that Town Clerk Shenk send a copy of the Resolution 2000-07 to Linda Spors.

RESOLUTION 2000-08    LOWER SPEED LIMIT ON BACK CREEK ROAD

RESOLUTION 2000-09    LOWER SPEED LIMIT ON OMPHALIUS ROAD

RESOLUTION 2000-10    LOWER SPEED LIMIT ON ZIMMERMAN ROAD

Supervisor Rood commented that John and Carol Heffley began construction on a second accessory building without a permit. The Zoning Board of Appeals denied a variance and the Heffleys filed an Article 78 against the Zoning Board of Appeals. The variance was granted by the court.

A motion was made by Councilman Mead and seconded by Supervisor Rood to approve a second accessory building for John and Carol Heffley, 7150 Omphalius Road.

five (5) Ayes    Carried

Supervisor Rood requested that Deputy Code Enforcement Officer Lisowski inform Code Enforcement Officer Kramer of the Heffley determination and to issue the required permit.

Supervisor Rood read a letter from Michael J. Pohl requesting appointment to the Planning Board as a member or alternate.

A motion was made by Supervisor Rood and seconded by Councilman Wiktor to appoint Michael J. Pohl as a Planning Board Alternate, term to expire 12/31/02.

five (5) Ayes    Carried

Town Clerk Shenk noted that Reed Garver will not seek re-appointment to the Zoning Board of Appeals which currently has one Alternate and the Conservation Advisory Board has two openings.

Supervisor Rood requested that Town Clerk Shenk inquire if the Zoning Board of Appeals Alternate is interested in the open ZBA position.

**SUPERVISOR REPORT**

A motion was made by Councilman Simmeth and seconded by Councilman Tills to authorize Supervisor Rood, on the recommendation of TVGA Engineering, to sign a letter to ECWA confirming that the Town of Boston officially accepts contracts one through four (1-4) for Water District No. 2.

five (5) Ayes Carried

Supervisor Rood reported that Bruce Shearer, Water District #3 Project Engineer, assured that the horizontal and vertical survey work would be completed 3/1/00 and work will begin on the topographical surveys on 3/2/00. Letters were sent to residents with property suitable for placement of the tank and pump station.

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SUPERVISOR REPORT (CONT.)

Supervisor Rood reported that on March 2, 2000 she will meet with the Town Engineer and Ray Kelly from O'Connell & Associates Grants Consultants to work on a Hazard Mitigation Grant. The grant monies applied for will be used to stabilize the stream bank behind the highway garage because land and nature trails were lost in the flood two years ago. The grant is available because municipal buildings are at stake with future flooding.

Supervisor Rood commented that the Attorney General is requesting that residents call if experiencing problems with the new Blue Cross/Blue Shield policy which took independent pharmacies out of the network. Supervisor Rood requested supervisors in surrounding towns to send letters to the Attorney General regarding this matter because the local CVS is affected. Supervisor Rood wrote a letter detailing complaints from Boston residents, noting that the local CVS, who responded to a need in Boston, is experiencing hardships due to this policy. A meeting is scheduled in Buffalo with representatives from Albany.

Supervisor Rood reported on her experience with changing her long distance and regional telephone service and freezing her phone lines. She expressed dissatisfaction with AT&T practices.

## TOWN CLERK REPORT

Town Clerk Shenk reported that the 2000 Town and County taxes are due March 15, 2000. The Town Clerk's office will be open on Monday and Tuesday March 13-14, 2000 until 8:00 p.m. and Wednesday March 15, 2000 until 7:00 p.m.

## HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the new sweeper was delivered on February 29, 2000, was inspected and is in order. The sweeper is housed in the Town of Boston and shared with the Towns of Concord, Eden and Colden. Highway Superintendent Kreitzbender thanked Supervisor Rood for her hard work in securing the grant for the sweeper. \$140,000 was received from Erie County and placed in a Certificate of Deposit which earned approximately \$6,000 in interest. The cost of the sweeper was \$145,535, leaving \$1,026.84 left for maintenance.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to authorize Highway Superintendent Kreitzbender to auction the old sweeper.

five (5) Ayes    Carried

Highway Superintendent Kreitzbender sought Town Attorney Perley's advice regarding severe damage to Enser Road caused by construction vehicles.

Town Attorney Perley noted that the Town Board is allowed to establish a temporary maximum weight limit for a town road.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth to order, pursuant to Vehicle and Traffic Law, Section 1660, that Enser Road is hereby restricted so that no vehicle with a gross weight over four (4) tons be allowed on said road except by any such vehicle regularly used by resident on said road as a commuting vehicle and further excepting any vehicle owned or operated by

Browning Ferris Waste Systems in the performance of its obligations of the Municipal Solid Waste contract for the Town of Boston.

five (5) Ayes Carried

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HIGHWAY SUPERINTENDENT REPORT (CONT.)

Town Attorney commented that the Highway Superintendent can post the road at four (4) tons and the restriction will be effective when the sign is installed and cease to be effective when the sign is removed.

Highway Superintendent Kreitzbender requested to prepare bid specifications for mowing the town parks.

Town Attorney Perley noted that he will have the bid specification drawn by March 3, 2000.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to schedule a bid opening on April 3, 2000 at 10:00 a.m. for the mowing of town parks.

five (5) Ayes Carried

TOWN ATTORNEY REPORT

Town Attorney Perley reported that the Town Engineer has identified properties that may be suitable for installing the tank and pump station for Water District No. 3. Town Attorney Perley, in conjunction

with the Town Engineer, will make arrangements to meet with residents affected by the construction to identify areas that will be the least intrusive upon their property.

Town Attorney Perley welcomed the students in attendance and noted that they are witnessing the way a representative democracy works.

#### COUNCILMAN REPORT

Councilman Mead welcomed the students and commented that some students mentioned that the Town Board seems to agree on most issues. Councilman Mead noted that there is an agenda review meeting before each town board meeting where issues are discussed and debated. The agenda review meetings are open to the public and students are welcome to attend.

Councilman Wiktor congratulated the students on attending the Town Board meeting.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to schedule a bid opening on April 3, 2000 at 10:05 a.m. for the Town of Boston brush pick-up.

five (5) Ayes    Carried

Councilman Tills reported that he attended the Association of Towns Conference in February. One item of interest was that in the telecommunications field, digital technology may require towers that are two thousand (2,000) feet high. The cellular towers now in use are two hundred (200) feet high. Also, Code Enforcement Officers will be required to be re-trained because fire and building code specifications are changing. Towns are requesting to be reimbursed by NY State for re-training expenses.

Councilman Tills reported that he is working on the Adelphia Cable franchise agreement.

A Public Information Hearing on the Adelphia Cable Franchise Agreement is scheduled for March 15, 2000 at 7:30 p.m.

CODE ENFORCEMENT OFFICERS REPORT

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

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DOG CONTROL OFFICER MONTHLY REPORT

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

TOWN ENGINEER REPORT

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

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:16 p.m.

DAVID J. SHENK, TOWN CLERK