

Town Board Minutes March 19, 2003

REGULAR BOARD MEETING TOWN HALL

MARCH 19, 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 Kelly A. Vacco.

Councilman Wiktor requested prayers for the safety of our Armed Forces in Iraq, our citizens, for the conflict in Iraq come to a quick and successful ending, and to pray for the safe return of our Town Clerk, David Shenk, who was called to active duty.

Rev. James Laun, Churchill Memorial United Methodist Church opened the meeting with a prayer.

Received a request for re-appointment to the Zoning Board of Appeals from Ralph Gibson, current term to expire 4/1/03.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to re-appoint Ralph Gibson to the Zoning Board of Appeals, term to expire 4/1/08.

five (5) Ayes Carried

Received a request from the Community Days Committee for a \$2,500 contribution for the fireworks display.

Councilman Mead noted that the Town Board contributed to the Hillfest event in the past and the Community Days Committee is requesting this amount for the first year.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to approve a \$2,500 contribution for the Community Days fireworks display.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan to adopt the minutes of the March 5, 2003 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the fund bills on Abstract #3A, dated March 19, 2003, amount of \$544,038.81 be paid.

five (5) Ayes Carried

Received and filed the Erie County Sheriff's monthly report for February 2003.

Received and filed notification of Adult Programming changes from Adelphia Cable.

Received a letter from Sgt. David Shenk, (Town Clerk Shenk) U. S. Army 1982nd Forward Surgical Team, Fort Dix, New Jersey.

REQUESTS FROM THE FLOOR

Geraldine Barone, 8450 Zimmerman Road: I would like to bring to your attention an upsetting experience I had with the Boston Patriot Football Organization. I requested a refund of the \$100 deposit my daughter Alexandra paid to attend a football/cheerleading competition in Daytona Beach, Florida in

November 2002. David Bartkowiak, president of the organization, was condescending. This is no longer about the \$100 deposit, it is now about the way I was treated and how I have seen others treated by members of this (football) board. The coordinator, also a member of the football board, distinctly promised a full refund of the \$250 deposit if no chaperone was found, only to be

REGULAR BOARD MEETING TOWN HALL

MARCH 19, 2003 7:30 P.M.

REQUESTS FROM THE FLOOR

Geraldine Barone: (Cont.): told by other members it will not be so. I think this is an embarrassment to her as well as to the entire organization. As members of this Town Board, you should be aware of how this organization runs because it is a direct reflection on our town. We teach our daughter about trust and honesty. Alexandra trusted the adult who made a commitment to her and now will not admit she made that statement. Is this the example you would like this organization to set for our youth? My daughter has been a cheerleader with this organization since she was seven years old.

Supervisor Eagan apologized to the Board members for their disadvantage in not having a copy of this complaint and the registration application that states there is a non-refundable \$100 deposit.

Geraldine Barone: I would expect to lose the \$100 deposit if my daughter cancelled the trip. I supported the decision to cancel the trip because there was no chaperone. I do not want to fight. My daughter deserves her money back and she did nothing wrong.

The Town Board will review the problem as presented by Mrs. Barone.

Received and filed NYS Comptroller's Report for 1/1/01-10/1/02.

Supervisor Eagan read the legal notice put in the local newspapers and noted the NYS Comptroller's report is on file in the Town Clerk's office.

RESOLUTION 2002-08 SUPPORTING BERTRAND CHAFFEE MATERNITY WARD

RESOLUTION 2002-09 ECKHARDT ROAD SPEED LIMIT REDUCTION

RESOLUTION 2002-10 AMEND NYS DEFERRED COMPENSATION PLAN

Received a request from Boston Fire Company for use of South Boston Park on June 21, 2003. Alcoholic Beverages will be served and a Certificate of Insurance has been submitted.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to grant the Boston Fire Company use of the South Boston Park on June 21, 2003.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins, on the recommendation of Recreation Director Clesse, to re-appoint the following to the Summer Day Camp, term effective immediately and to expire on August 31, 2003:

Cathy Maghran Camp Medical Director \$200/season

Jessica Brown Camp Counselor \$5.50

Lauren Forness Camp Counselor \$5.50

Daniel Hubert Camp Counselor \$5.50

Michael Klein Camp Counselor \$5.65

Jonathan May Camp Counselor \$5.65

Drew McNichol Camp Counselor \$5.75

Tina Musselman Camp Counselor \$5.75

Kristen Partridge Camp Counselor \$5.85

Nick Poblocki Camp Counselor \$5.65

Joseph Siebert Camp Counselor \$5.50

Joshua Wrazen Camp Counselor \$5.50

five (5) Ayes Carried

REGULAR BOARD MEETING TOWN HALL

MARCH 19, 2003 7:30 P.M.

Received a rezoning application for the proposed Darling Subdivision, on the west side of Boston State Road directly across from the intersection of Omphalius Road.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to refer the rezoning application for the proposed Darling Subdivision to the Zoning Board of Appeals for review and recommendation, contingent upon the application being signed by the applicant.

five (5) Ayes Carried

Received an application for a Site Plan Review from Ray Webber, 6751 Boston State Road.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to refer the application for a Site Plan Review from Ray Webber, 6751 Boston State Road, to the Planning Board for review and recommendation.

five (5) Ayes Carried

Received and filed a request for appointment to the Zoning Board of Appeals from Alternate ZBA Member Eugene Wallace (current term to expire 12/31/03) in the event there is a vacancy on the Board.

Received a request from Assessor Hornberger to appoint Sue Fitzner as Assessment Clerk PT.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to appoint Sue Fitzner as Assessment Clerk PT, term to expire 12/31/03.

five (5) Ayes Carried

Received a Building Permit Application from Richard and Joy Boyd, Sprague's Mobile Home Park, 8229 Boston State Road, for the replacement of #49 Mobile Home.

Received notification from Code Enforcement Officer Kramer that an inspection was made on 6/20/01 in the Sprague Mobile Home Park and the Mobile Home on lot #49 that existed in the 6/00 inspection had been removed and replaced with the present home. On 6/25/01 Town Clerk Shenk notified Mr. Boyd on the proper procedure for filing a permit. It is the recommendation of Code Enforcement Officer Kramer, that based upon the lapse of time and the mobile home being occupied, a permit should be issued for Lot #49.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, on the recommendation of Code Enforcement Officer Kramer, to grant Richard & Joy Boyd a building permit for Lot #49, Sprague Mobile Home Park.

five (5) Ayes Carried

SUPERVISOR REPORT

A) Supervisor's monthly report for February 2003 was received and is on file in the Clerk's Office.

Supervisor Eagan received notification from the North Boston Fire Company that they are unable to participate in the Boston Community Days due to a conflict with their Twenty-Week Club event.

Supervisor Eagan requested Deputy Clerk Ellis give a copy of the North Boston Fire Company letter and 2003 Event Calendar to the Board Members.

REGULAR BOARD MEETING TOWN HALL

MARCH 19, 2003 7:30 P.M.

SUPERVISOR REPORT

Received a letter from Ray Lucas, 6715 Pinehurst Drive, regarding the removal of trees from the front of the Town Hall and requesting the removal of a tree in the town right-of-way on Holiday and Maplawn Drives.

Supervisor Eagan noted that regarding the trees in the front of the Town Hall, we now have an opportunity to do something beautiful and to secure designs for landscaping. He also noted that he is not in favor of additional parking spaces in the front of the town hall and wants to maintain the green space.

Supervisor Eagan reported that he attended the installation dinner at the Patchin Fire Hall on March 15, 2003.

TOWN CLERK REPORT

A motion was made by Councilman Mead and seconded by Supervisor Eagan to accept the Town Clerk Report for February 2003.

five (5) Ayes Carried

HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the Highway Department Grader was sold in 1991 and there is now an opportunity to purchase a much needed grader from the Town of Concord for \$35,000.

Town Attorney Vacco noted that General Municipal Law allows this transaction without going to bid.

A motion was made by Councilman Mead and seconded by Councilman Wiktor to purchase the grader from the Town of Concord.

five (5) Ayes Carried

Highway Superintendent Kreitzbender reported that the Christmas tree pick-up will be combined with the first brush pick-up scheduled in April.

Highway Superintendent Kreitzbender noted that the removal of the trees in front of the town hall has been discussed since last fall. We have a beautiful building that couldn't be seen because of the trees. Plans from local nurseries will be reviewed. The Christmas Lighting Committee would like two pine trees planted instead of bringing one in for the season.

TOWN ATTORNEY REPORT

Town Attorney Vacco reported that she is pleased to be here and is excited about the opportunity to be the Town Attorney for the Town of Boston. She is looking forward to working with the Town Board and representing them to the best of her ability. There are some complicated issues and she looks forward to the challenge.

COUNCILMEN REPORT

Councilman Mead welcomed Town Attorney Vacco.

Councilman Wiktor welcomed Town Attorney Vacco.

Councilman Wiktor reported that regarding the letter from Ray Lucas, he and Highway Superintendent Kreitzbender inspected the situation on Meadowlawn and Holiday Drives. The Highway Safety Committee will be convened to consider changing the "Yield" sign to a "Stop" sign and prune trees. Other signs can also be changed in the subdivision.

REGULAR BOARD MEETING TOWN HALL

MARCH 19, 2003 7:30 P.M.

COUNCILMEN REPORT (CONT.):

Highway Superintendent Kreitzbender noted that the dead tree mentioned by Mr. Lucas is not on the Highway right-of-way.

Councilman Simmeth welcomed Town Attorney Vacco.

Councilman Simmeth noted that regarding the removal of the trees in front of the Town Hall, he believes there will be more green space and is anxious to begin work on the project. He asked residents to be patient.

Received from Walter Slomka a letter of resignation from the Conservation Advisory Council, effective 3/1/03.

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to accept the resignation of Walter Slomka from the Conservation Advisory Council effective March 1, 2003 and to request the Deputy Clerk send a letter thanking him for his service.

five 5) Ayes Carried

Received a request from Lynn Zachmann for re-appointment to the Conservation Advisory Council, term expired 3/1/03.

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan to appoint Lynn Zachmann to the Conservation Advisory Council, term to expire 3/1/05.

five 5) Ayes Carried

Councilman Simmeth reported a request dated 10/10/02 was received from NYS Empire Games for use of a cycling route in the Town of Boston. The first event begins in Grand Island on July 23rd. The Boston trial runs will be on June 8th, 9am to noon and the race will be July 25th, 9 am to 1 p.m. Roads may be closed during the events.

Councilman Hawkins noted that regarding the removal of the trees in the front of the Town Hall he would prefer that future plans be brought to the attention to the Town Board.

Councilman Hawkins welcomed Town Attorney Vacco.

Councilman Hawkins reported that he has received the fiscal statements for the North Boston Fire Company.

Councilman Hawkins read a letter from the North Boston Fire Company regarding a structure fire on Back Creek Road where Engine #2 could not make the driveway due to heavy ice. A thank-you goes to Highway Department employees William Forness and John Hine for assisting the Fire Company.

Councilman Wiktor requested that Councilman Hawkins send a letter to the Highway employees thanking them for their assistance.

CODE ENFORCEMENT OFFICER REPORTS

A) Code Enforcement Officers monthly report for February 2003 was received and is on file in the Clerk's Office.

Code Enforcement Officer Kramer reported that the Hickory Meadows Subdivision phase II paperwork has been finalized. Approximately five lots have been sold. Construction traffic is a concern and CEO Kramer discussed installing "Children at Play" signs in the subdivision for the safety of the children.

REGULAR BOARD MEETING TOWN HALL

MARCH 19, 2003 7:30 P.M.

CODE ENFORCEMENT OFFICER REPORTS (CONT.):

Councilman Simmeth commented that former Town Attorney Perley offered a legal opinion that "Children at Play" signs in subdivisions are not legal.

Highway Superintendent Kreitzbender noted signs cannot be installed in subdivisions.

PLANNING BOARD REPORT

Councilman Mead reported that the Planning Board requests that Town Attorney Vacco review the sign application permits.

Councilman Mead noted that the Planning Board requests a list of all co-locations and applications for the SBA tower.

Councilman Mead reported that the Planning Board requests review of the conceptual plans for the front of the Town Hall.

Councilman Simmeth commented that the Conservation Advisory Council should review plans for the front of the Town Hall also.

DOG CONTROL OFFICERS MONTHLY REPORT

A) Dog Control Officers monthly report for February 2003 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 8:40 p.m.

KAREN A. ELLIS, DEPUTY TOWN CLERK.