

Town Board Minutes May 15, 2002

REGULAR BOARD MEETING TOWN HALL

MAY 15, 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 Edington to adopt the minutes of the May 1, 2002 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 #5A, dated May 15, 2002, amount of \$34,751.44 be paid.

five (5) Ayes Carried

Received and filed notification from Adelphia Cable of changes affecting the franchise fee structure.

Received and filed notification from Adelphia Cable of the addition of the YES Network (Yankees Entertainment and Sports).

Received notification of the appointments of Norman Dotzler, Ronald Durusky and Frank Szeliga to the Patchin Fire Police Squad.

A motion was made by Councilman Wiktor and seconded by Councilman Mead, on the recommendation of Fire Chief Pluta and Fire Police Captain Cruse, to appoint Norman Dotzler, Ronald Durusky and Frank Szeliga to the Patchin Fire Police Squad, term to continue until such time as resignation, removal or replacement.

five (5) Ayes Carried

Received a request from Paul Speich, 6549 Fairlane Drive, for appointment to the Conservation Advisory Council.

A motion was made by Councilman Simmeth and seconded by Councilman Edington to refer the appointment request of Paul Speich to the Conservation Advisory Council for review and recommendation.

five (5) Ayes Carried

Supervisor Eagan requested the Town Clerk notify the Conservation Advisory Council that recommendations have not been received for previous appointment requests referred to the CAC.

Town Attorney Perley reported that a six-month moratorium on the issuance of permits for permanent signs in the Town of Boston is proposed to allow the Town Board time to review existing rules. Temporary signs will still be issued during this time.

A motion was made by Councilman Wiktor and seconded by Councilman Mead to schedule a Public Hearing on June 5, 2002 at 7:50 p.m. on Proposed Local Law No. 3 of the Year 2002 ? a Local Law to Enact a Six Month Moratorium on the Issuance of Permits for Permanent signs in the Town of Boston.

five (5) Ayes Carried

Received an inspection report from Deputy Code Enforcement Officer Lisowski declaring the house located at 8146 Boston State Road an unsafe building, noting under current C-1 Zoning Law, residential dwellings are not permitted and the house must be removed.

A motion was made by Councilman Wiktor and seconded by Councilman Edington to schedule a Public Hearing on June 3, 2002 at 6:00 p.m. on an unsafe building at 8146 Boston State Road.

five (5) Ayes Carried

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Received from Town Clerk Shenk, the following bids solicited for the repairs and updates to the Town Hall elevator:

Bison Elevator Service, Inc. \$1,879.00

Elevator Maintenance of Buffalo, Inc. \$2,150.00

ThyssenKrupp Elevator Corp. \$2,429.00

A motion was made by Supervisor Eagan and seconded by Councilman Mead, on the recommendation of Town Clerk Shenk, to award Bison Elevator Service, Inc. the contract for the repair/update of the Town Hall elevator at a cost of \$1,879.00.

five (5) Ayes Carried

Received a request from Jo Ann Santonocito, 7549 Valley Circle Lane, for permission to construct a second accessory building.

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan for Town Board inspection on June 3, 2002 at 5:30 p.m. of the property of Jo Ann Santonocito, 7549 Valley Circle Lane, for permission to construct a second accessory building.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule the Annual Mobile Home Park Inspections for Friday, June 7th, 2002 at 5:00 p.m. for Boston Hills Homes & Estates and 6:00 p.m. for Sprague Mobile Home Park.

five (5) Ayes Carried

At 7:47 p.m. a Public Hearing was held for the purpose of hearing public comments to consider the application of SBA Network Services Inc., as agent for Family Stations, Inc. for a Special Permit for Co-location of a FM Radio Antenna and a 1.8 meter satellite dish at SBA Tower Site, 6405 Ward Road.

Supervisor Eagan read the legal notice and noted that a copy of the legal notice, assessor's map outlining the property and a

letter of intent was sent to

26 Boston and 13 Orchard Park neighboring property owners, the Orchard Park Town Clerk and the applicant.

Received a determination from R & D Engineering Inc., regarding the application of SBA Network Services Inc., as agent for Family Stations, Inc. for a Special Permit for Co-location, that the action should be classified as an Unlisted Action under SEQR with the Town of Boston as Lead Agency and that no significant impacts were identified.

Received a Planning Board recommendation of approval of the co-location application submitted by SBA Network subject to all documents legally required being in order.

Town Attorney Perley inquired if SBA Network Services Inc., would object to Town Board approval of this application subject to a RPF report and would this allow ample time for FCC Licensing.

Gary Ferrara, Zoning Specialist, SBA Network Services, Inc. responded that he had no problem with the RPF contingency and that there is ample time for FCC Licensing.

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PUBLIC HEARING (CONT.):

A motion was made by Councilman Mead and seconded by Supervisor Eagan to close the Public Hearing at 7:50 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to adopt a Negative Declaration and declare the Town of Boston as Lead Agency on the application of SBA Network Services Inc., as agent for Family Stations, Inc. for a Special Permit for Co-location at the 6405 Ward Road Tower.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Edington to approve the application of SBA Network Services Inc., as agent for family Stations, Inc. for a Special Permit for Co-location of a FM Radio Antenna and a 1.8 meter satellite dish at the SBA Tower Site, 6405 Ward Road, subject to a satisfactory RPF Report.

five (5) Ayes Carried

Town Attorney Perley reported that he has reviewed the Lease Agreement from Mecca Krull Corp. for a John Deere Bulldozer and has found the agreement acceptable as to form. The payment schedule would be \$10,000 a year, \$5,000 from Parks and \$5,000 from Highway fund the first year, the remaining payments of \$10,000 a year to be paid from funds not yet designated.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to approve a Lease Agreement for a John Deere Bulldozer from Mecca Krull Corp., for a five-year term at \$10,000 a year with a buyout of the balance.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Edington to table Resolution 2002-26, Bond Comprehensive Highway Reconstruction & Restoration Project, for Town Board review.

five (5) Ayes Carried

SUPERVISOR REPORT

Received and filed the Supervisor's monthly financial reports for April 2002.

Supervisor Eagan reported that he received an e-mail today, May 15, 2002, regarding the Boston-Colden West Tillen traffic problem from Charles Sickler, Erie County Highway Department. The Town will be given options regarding flashing lights based on Erie County recommendations. Supervisor Eagan commented that he wants residents to know that the Town Board is working diligently on this issue.

TOWN CLERK REPORT

A motion was made by Councilman Simmeth and seconded by Councilman Mead to accept the Town Clerk Monthly Report for April 2002.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Councilman Edington to accept Tax Collector Monthly Report for April 2002.

five (5) Ayes Carried

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TOWN CLERK REPORT (CONT.)

Town Clerk Shenk announced the 2002 Memorial Day Services will be held on Monday, May 27, 2002. The parade begins at 2:15 p.m. at Faith United Church and proceeds to the Boston Town Hall at 2:30 p.m. There is a reception at the AMVETS Post #219 immediately following the service.

COUNCILMAN REPORT

Councilman Mead reported that there are drainage issues in the Creekside Subdivision that needs to be addressed.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to authorize the Town Engineer to shoot levels to aid in the correction of drainage problems in the Creekside Subdivision.

five (5) Ayes Carried

Councilman Mead announced that the Web Design Institute will aid the Town of Boston with the creation of a website by providing website design at no cost to the Town in return for use of the website to post their information. Design costs for websites typically run between \$2,000 and \$3,000 so this is a substantial savings for the town. The name of the town website will be townofboston.com.

Councilman Mead reported that he attended a Zoning Board of Appeals meeting on May 2, 2002 and the vote for Chairman is split between interim Chairman Brien Hopkins and Ralph Gibson. In the final vote Ralph Gibson received the majority vote but former Chairman Gerald Hice recommended that Brien Hopkins be appointed.

A motion was made by Councilman Mead to appoint interim Chairman Brien Hopkins as Chairman of the Zoning Board of Appeals.

Supervisor Eagan commented that he wishes to be noted for the record that at the May 1, 2002 Town Board meeting, Town Attorney Perley stated that it has been the policy of this Town Board to defer to the consensus of the ZBA. The consensus of the ZBA, with the majority of the vote, is to appoint Ralph Gibson as Chairman. Supervisor Eagan commented that Ralph Gibson has been a member of the ZBA for approximately four years and that we should move in favor of the majority vote. Supervisor Eagan further noted that the senior member of the ZBA nominated Ralph Gibson.

Councilman Mead stated for a point of clarity that the senior member of the ZBA did not nominate Ralph Gibson. The nomination of Ralph Gibson was made by another member of the ZBA.

The motion died for lack of a second.

Councilman Wiktor announced that Pat Shea performed at the Town of Boston's Art Council Winter Series Concert at Boston Valley School Auditorium on May 8, 2002, marking the end of the Winter Concerts.

The following bids for the yellow bus service for the summer day camp and winter ski/snowboard programs were received and read aloud on April 30, 2002 at 10:00 a.m.:

	Summer per bus per day	Winter per bus per day
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Laidlaw Transit, Inc.	\$145	\$160
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Fisher Bus Service	\$187	\$230
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COUNCILMAN REPORT (CONT.)

A motion was made by Councilman Wiktor and seconded by Supervisor Eagan, on the recommendation of Recreation Director Clesse, to award the yellow bus service for the summer day camp and winter

ski/snowboard programs to Laidlaw Transit, Inc. for the cost of \$145 for the summer program per bus per day and \$160 for the winter program per bus per day.

five (5) Ayes Carried

Councilman Wiktor welcomed the Government Classes in attendance.

Councilman Simmeth reported that Stephen and Susan Goodnough, 6391 Hillcroft Road, requested a posted speed limit sign of 35 mph and a posted "Children at Play" sign for Hillcroft Drive.

Highway Superintendent Kreitzbender commented that "Children at Play" signs will be installed on Hillcroft Drive on May 16, 2002 and Town Attorney Perley confirmed according to NYS law the signs are appropriate for the area.

Councilman Simmeth will address Mr. & Mrs. Goodnough's concerns with the Traffic and Safety Committee.

Councilman Simmeth reported that he has reviewed the Supervisor's May 9, 2002 financial reports and previously under Certificates of Deposit, under Refuse, there was \$90,000 and now the balance is zero. It appears the money was deposited in the savings account of April 30, 2002 which shows a balance of \$310,000.

Supervisor Eagan responded part of the amount deposited in the savings account was from the Town and County tax collection. Transferred from the CD to the savings may have been the funds set aside at the beginning of the year for refuse bills. He commented that he can confirm when that transfer took effect and where the money went noting that the abstract should be reviewed.

Councilman Simmeth responded that he did review the abstract and the monthly payments to BFI are approximately \$30,000. He does not know why there is \$310,000 in a savings account rather than a Certificate of Deposit when the money is not needed immediately.

Supervisor Eagan noted that when money is received it must be deposited in the General Fund savings account initially to create a paper trail.

Councilman Simmeth noted that last year's budget showed the savings account had \$29,000 and now this year there is \$310,000.

Received and filed Code Enforcement Officers monthly report for April 2002.

Received and filed Dog Control Officers monthly report for April 2002.

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

DAVID J. SHENK, TOWN CLERK