

## Town Board Minutes September 6, 2000

REGULAR BOARD MEETING      TOWN HALL

SEPTEMBER 6, 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. John VanHanegan, Good Shepherd Lutheran Church, opened the meeting with a prayer.

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

five (5) Ayes      Carried

A motion was made by Councilman Tills and seconded by Councilman Mead, upon review by the Town Board, that the General Fund and Special District Bills on Abstract #9, dated September 6, 2000 in the amount of \$101,182.69 be paid.

five (5) Ayes      Carried

A motion was made by Councilman Mead and seconded by Councilman Wiktor, upon review by the Town Board, that the Highway Bills on Abstract #9, dated September 6, 2000, amount of \$9,151.39 be paid.

five (5) Ayes      Carried

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

five (5) Ayes    Carried

Received and filed Erie County Sheriff's report for July 2000.

Received and filed notification of changes in the Adelphia Cable Entertainment Service.

Received and filed notification from Tony's Patchin Pizzeria, 8407 Boston State Road, that an application will be made to the State Liquor Authority for a restaurant wine license.

Received notification from the Boston Planning Board that the Planning Board has no concern regarding the request for a temporary trailer at Charlap's Dairy property.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to schedule a Public Hearing on October 18, 2000 at 7:40 p.m. for a Special Use Permit request for Charlap's Dairy Farms, Inc. to use a temporary rental trailer at 7254 Boston State Road.

five (5) Ayes    Carried

A motion was made by Councilman Simmeth and seconded by Councilman Tills to approve the following corrections to the General Fund and Special Districts Abstract #8, dated August 16, 2000:

V#491 From: Youth Prog      A7310.4      276.43

To:    Nutrition      A6772.4      20.41

V#498 Buildings A1620.4 From: 39.86 To 25.88

Parks A7110.4 From: 23.18 To 37.16

Total General Fund From: 36,508.49 To 36,528.90

Total Abstract From: 147,764.09 To 147,728.86

five (5) Ayes Carried

Received a letter from Dale Newell, 5728 Eiss Hill Road, regarding drainage problems on Eiss Hill Road.

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Highway Superintendent Kreitzbender commented that the drainage problems on Eiss Hill Road have been inspected and he is waiting for a recommendation from Town Engineer Robert Harris.

Received a letter from Ronald and Audrey Hillman, 6761 Liebler Road regarding flooding problems on Liebler Road.

Highway Superintendent Kreitzbender commented that he, Town Engineer Harris, Councilman Simmeth and Deputy Code Enforcement Officer Lisowski inspected the Hillman flooding problem on Liebler Road. The Highway Department has not diverted any water. That area was a natural runoff before the road was built. The Hillmans diverted the water by blocking off the natural gully to build a garage. Highway Superintendent Kreitzbender is working with the Town Engineer and Town Board for a solution to the problem.

Town Attorney Perley commented that the Town Board requested that he review the documents that led to the construction of the Hillman accessory building but he has not had an opportunity to do so. Therefore at this time he cannot properly advise the Board of its legal responsibilities.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to table action on the flooding problems of Ronald and Audrey Hillman, 6761 Liebler Road.

five (5) Ayes Carried

A motion was made by Councilman Wiktor and seconded by Supervisor Rood to remove from the table the Soil Removal Permit Application of Anthony Bernardi, 6385 Willow Drive.

five (5) Ayes Carried

Supervisor Rood noted that the original Soil Removal Permit Application of Anthony Bernardi, 6385 Willow Drive has been amended from two (2) sites with a total of 750 yards removal to one (1) site and soil removal of 600 yards.

A motion was made by Councilman Wiktor and seconded by Councilman Simmeth, on the recommendation of Code Enforcement Officers Kramer and Lisowski, to approve the amended Soil Removal Permit Application of Anthony Bernardi, 6385 Willow Drive.

five (5) Ayes Carried

#### RESOLUTION 2000-34 POLE AND LIGHT INSTALLATION - HOLIDAY DRIVE

Town Attorney Perley commented that the Hickory Meadows Subdivision is being built in phases. Resolution 2000-35 is an acceptance of the roads that pertain only to those phases that have been constructed. When the subdivision plat was filed the streets were misnamed. Resolution 2000-35 corrects the misnaming problem and the subdivision map.

RESOLUTION 2000-35 A RESOLUTION DEDICATING AND LAYING OUT CERTAIN STREETS OR PORTIONS THEREOF IN THE HICKORY MEADOWS SUBDIVISION

Highway Superintendent Kreitzbender executes an Order, based on Town Board consent, accepting Hickory Meadows Subdivision Roads.

A motion was made by Supervisor Rood and seconded by Councilman Simmeth to authorize the Town Clerk to advertise for the Boston Town Hall HVAC Project Bids and to schedule a bid opening for September 29, 10:00 a.m.

five (5) Ayes Carried

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A motion was made by Supervisor Rood and seconded by Councilman Tills, on the recommendation of the Town Engineer, to grant Adelpia Cable a Public Improvement Permit to place a two (2) inch conduit under Pin Oak Drive.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Wiktor to grant Town Clerk Shenk use of the Boston Town Hall for the collection of the 2000-2001 school taxes for that portion of the Hamburg School District in the Towns of Boston and Eden for a fee of \$1,000.

five (5) Ayes Carried

## TOWN CLERK REPORT

Town Clerk Shenk reported that work has begun on the Records Grant designed to update the court record filing system.

## HIGHWAY SUPERINTENDENT REPORT

Highway Superintendent Kreitzbender reported that the Special Brush Pick-up beginning August 21, 2000 was completed in one week.

Highway Superintendent Kreitzbender reported that the regular brush pick-up will begin on September 11, 2000 and the final pick-up will begin on October 9, 2000.

## TOWN ATTORNEY REPORT

Town Attorney Perley commented that questions were raised at the August Town Board meeting regarding the "Summer Slam" event at the Boston Grille. After discussions with Code Enforcement Officer Kramer, Town Attorney Perley determined that plans for the event violated the Town of Boston zoning laws. A legal proceeding was commenced against the Boston Grille and a hearing date was secured for the Friday before the event. Upon discussion with the Attorney representing the Boston Grille, a reasonable method of conducting the event was agreed upon and neighbors were notified.

## COUNCILMAN REPORT

Councilman Mead thanked the Pepsi Company for painting the scoreboard for football, helping to put it back up and providing a fifty foot cord running to the observation shack. Pepsi is considering donating a scoreboard for softball.

Councilman Mead thanked Councilman Wiktor, Councilman Tills and Eric Pearlstein, Boston Valley School Principal, for working on the Creative Playground on Saturday, September 2, 2000.

Councilman Wiktor reported that Patchin Fire Company members presented him with a brochure of the new efficient tanker truck that will be housed at Station #2 on Cole Road. Councilman Wiktor presented the Town Board members with a copy of an article on a Quint Fire Truck that Patchin Fire Company will be purchasing for use as a pumper truck. The fire equipment plans of the Patchin Fire Company have been well thought out with the sole purpose of insuring the safety of the residents. Councilman Wiktor noted that our firemen are doing an outstanding job of fire protection for our residents.

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COUNCILMAN REPORT (CONT.)

Councilman Simmeth assured Audrey Hillman, 6761 Liebler Road, that Town of Boston officials have inspected the flooding problems on Liebler Road and Town Attorney Perley will research the problem.

Councilman Tills reported that the Adult Soccer Program is underway and the games are played on Sunday afternoons.

CODE ENFORCEMENT OFFICERS REPORT

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

DOG CONTROL OFFICER MONTHLY REPORT

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

TOWN ENGINEER REPORT

A) Town Engineer's monthly report for August 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 8:09 p.m.

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DAVID J. SHENK, BOSTON TOWN CLERK