

Town Board Minutes August 5, 2009

Present: Supervisor Richard K. Hawkins, Councilmen James E. Pluta and David Ruzzine and Councilwomen Cathleen M. Dobson and Cathy A. Maghran.

Also Present: Deputy Town Attorney Kobialka and Deputy Code Enforcement Officer Juda.

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

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Dobson to approve the appointment of Amanda Jensen as a seasonal worker in the Parks Department starting August 19, 2009 at the rate of \$9 per hour.

five (5) Ayes Carried

Supervisor Hawkins commented on the recent flooding and made calls to National Grid and Legislator Reynolds. He stated that TVGA Engineering was working on quotes for the installation of a retention pond on Boston Cross Road to divert some of the water coming down the hill. He also noted that he, along with TVGA Engineer Don Hoeffler, visited Rich Jerome's property and the issues there have not been fixed and he will continue to work on it until it is resolved.

A motion was made by Councilwoman Maghran and was seconded by Councilman Pluta to declare the 1994 Ford Ambulance as surplus equipment.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Pluta to authorize Supervisor Hawkins to sell the 1994 Ford Ambulance at auction for \$4,800.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilwoman Maghran to approve the minutes of 07/15/09.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Supervisor Hawkins, upon review by the Town Board, that fund bills on the Abstract dated July 15, 2009 in the amount of \$318,150.31 be paid.

five (5) Ayes Carried

Received and filed Resolutions from the town of Newstead in regards to New York State Bid Pricing for Salt and Amending the Erie County Tax Act.

Received and filed notice of Liquor License Application for Buffalo Buck's Smokehouse Restaurant.

Cynthia Williams, 7004 Liebler Road questioned the construction schedule for Water District #3.

Tom Lucas, Nussbaumer and Clarke: We expect construction to start in a couple of weeks, early September. We expect construction to last approximately three months. Most of you should have water by the Christmas holiday.

Supervisor Hawkins: It's my understanding that they have a small project to take care of first at Jeff Genzel's house and then the project will begin on Liebler Road. Liebler will probably be one of the toughest roads to do.

Richard Jerome, 6837 Liebler Road, asked if the waterline will be installed in the ditch. He noted that the pavement is already falling into the ditches on both sides of the road. He stated that there is no shoulder now and the ditches are waist deep. If the water line is put into the ditch, the road will never be able to

be widened. I had to put culverts on both of my properties back from the road so that I had some place to put the mailboxes. I just don't understand that kind of engineering and that is what I did for a living.

Tom Lucas: I and Highway Superintendent Telaak drove Liebler Road discussing that concern and we are showing the waterline in the ditches for a good portion. There are a couple of things to keep in mind; the water lines are going to be a minimum of five feet down and away from the edge of the pavement in all cases. Sometimes the ditches are really close to the road and in those cases we are staying behind the ditch. The contractor will work with Highway Superintendent Telaak to determine if the water lines need to be relocated. The original idea of putting them in the ditches was to prevent complete deforestation of the street.

Discussion took place between members of the audience which was inaudible.

Tom Lucas: Five feet now does leave enough room if someone wants to move the ditches back. The water line is going to be five feet below the center of the ditch, so if someone wanted to slide the ditches back to that five foot mark instead of where they are now at two feet that is built in as a future consideration. Basically the water line will be seven or eight feet below the existing grade so that if the ditch moved on top of it there would still be proper cover. As far as determining which trees stay and which ones go, is up to the Highway Superintendent. Ultimately they are town roads and we try to be respectful of the neighbors and keep their trees. The town can deem it necessary to clear the trees to allow for the water line. As far as canvassing the neighbors, it is beyond the scope of what we do, but the town can certainly go out and do that in advance. The inspector can not help anyone right now, but when he is out in the field, he will be happy to come and meet with people face to face and answer any concerns you may have.

Unidentified Audience Member: Do you know which side of the road the waterline is on.

Tom Lucas: I can show you on the map. Approximately the first 2,000 feet are on the South side and then will cross over to the North side for the remainder.

Maryann Gardner, 6786 Liebler Road: You mentioned that you are working on a resolution for the drainage coming down the hill. It sounds like it will be on the South side, which is my side. My driveway was wiped out. You are going to put a water line through there and not rectify the drainage issue. Three times my driveway was wiped out from winter to now and each time it was patched. Now there is just a

crater there and there is still a lot of work that needs to be done. My concern is that if they run that water pipe and this occurs again, aren't we at risk of damaging the whole water line?

Supervisor Hawkins: Highway Superintendent Telaak is aware of the situation. You can't continue to put a band aid on a bad situation and expect it to heal. No one wants to spend a lot of money putting water through there and then watch it have problems.

Maryann Gardner: To your preliminary comment that you had inspected Liebler Road drainage a few weeks ago and you thought that there was a resolution to this in place but unfortunately it didn't happen, is there a feasible idea of how we can get around this?

Supervisor Hawkins: The engineers the town hired know what their job is and what they can do to take care of the situation. We all want to see this rectified soon.

Frank Marando, 7028 Liebler Road: The letter I received noted that the tap in fee needs to be paid to the town by September 1st. Does that mean that I have to have the work done from the house to the road by that date?

Supervisor Hawkins: I believe that the payment has to be received by then but I'm not sure if your house has to have the line installed by then. We haven't had a confirmed date from Fairway Construction because they are completing a job in Amherst. We have to have a preconstruction meeting to discuss these issues. I would suggest you get it installed as soon as possible because once those lines are in, and are pressure tested, water can be obtained.

Councilman Pluta: Do they need lines in or just pay the tap in fee and hook in anytime?

Tom Lucas: We suggested September 1st as the most conservative date. The first person could possibly be September 1st, but mostly likely a week or two later. You will see the contractor coming. It's not going to be a surprise. Chances are most people are going to be looking at October or November.

Councilman Pluta: Suppose someone has a good well and they indicate they don't need the water, but want to pay the tap in fee, can they do that and not hook in until they are ready or do they have to hook in now.

Tom Lucas: You have to hook in. If you tap it, the meter has to be set and in order to get the meter from the water authority; you have to abandon the well.

Frank Marando: I have a neighbor to the west of me who is land locked and has an easement to use my driveway to get to his home. He did not get one of these letters in the mail because he doesn't have frontage. I know that he wants the water and because he has the easement, I would assume that would allow him to utilize my driveway to run the water line. If he can do that, I would put in two meter pits, and put two lines in the same hole and run them back. Is that something that I could do?

Tom Lucas: As far as getting the water to your house and the shared trench I don't see any issues with that. But as far as getting your neighbor's land locked parcel water, it has to be worked out with the water authority. That is amongst many issues that are being discussed with them right now. They are ultimately the ones that have to decide that because typically you have to have frontage.

Frank Marando: The letter states \$600 for ¾" and 1" service and \$900 for 1½" and 2" service. I have been doing research on getting equipment to dig the trench and materials, but the plumber suggests that with the length of the run and the pressure at the road, that 1¼" plastic pipe would be sufficient. Is 1¼" permissible and if so, is the fee \$600 or \$900?

Tom Lucas: As far as the cost of the contractor up to an inch is the same cost and then there is an additional charge for the different materials they have to use once greater than 1 inch, so it would be \$900. While 1 ¼" is available I would imagine the cost savings is not significant. It may be worth your while to go to the larger size to get better pressure.

Richard Jerome: How do I know where to run the trench to?

Tom Lucas: Where ever you end the trench that's where the tap will be. Your lines have to be completed first and then we connect.

Unknown audience member: If the water line is on the opposite side of the road from your residence, how far do you run your line?

Tom Lucas: The private portion of the line that you are responsible for, you take it to the highway right of way. That is typically about 30 feet from the center of the road.

David Juda, 7785 Lower East Hill Road: Is the water line, East or West side of my road?

Tom Lucas: It depends on where your property is; the line runs on both sides of the road.

Clive Rucker, 6910 Boston Cross Road: As you know we were flooded out again and in talking with Councilman Pluta, he mentioned that a pond may be installed near the playground. I want to thank Highway Superintendent Telaak for saving us, my neighbor wasn't so lucky. I've spent hours cleaning up Boston Cross Road. I'm concerned about a pond being installed on the playground. If it overflows, it will add to all the water coming from the playground. He stated that he feels we should apply for a grant to change the line that is coming down the North side of the road with a 5-foot line and take it down to the creek. Not to the church, but down to Eighteen Mile Creek.

Supervisor Hawkins stated that he would like to see a bigger pipe installed there. He noted that the pond will be designed so the water runs out slowly. When three inches of water falls in such a short amount of time, none of these drainage ditches are able to absorb that much water. If the pond was there it would help take care of this situation until we could get a grant for funds to install a bigger pipe.

Councilman Pluta noted that he has lived on Boston Cross Road since 1986 and I agree that when the county put in the drainage there would be no way it would handle the water flow. The pond will be designed plenty big enough. It will be a dry retention pond.

Clive Rucker: I can't understand why National Grid isn't taking a little more responsibility for these five foot culverts they put in. I know they are trying to save their property, but in the mean time it's causing problems with the rest of us.

Councilman Pluta noted that unfortunately Boston Cross was designed very poorly to begin with and it won't accept that much water so we have to divert it some way. There are so many utilities that run

under that culvert; even looking at a larger pipe can be very costly. This has been an extraordinary year with rain. We are looking at the pond to just hold the water. I truly believe that this pond will work.

Clive Rucker stated that he would like to see the pond on the other side of the road.

Councilman Pluta: If we put the pond lower down where the drainage tile is we can divert some of the water, if it's higher we have to hold all the water. We need to take care of the overflow.

RESOLUTION 2009-17 REGARDING SMALL MUNICIPALITIES AND ROAD SALT CONTRACTS

A motion was made by Councilman Pluta and was seconded by Councilwoman Maghran to table Resolution 2009-18, Amend Erie County Tax Act, until further review by the Town Board.

five (5) Ayes Carried

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Maghran upon the recommendation of the Code Enforcement Office to approve the request for an additional accessory building from Joseph Castellana, 6164 Pfarner Road.

five (5) Ayes Carried

A motion was made by Supervisor Hawkins and was seconded by Councilman Pluta upon the recommendation of the Code Enforcement Office to approve the request for an additional accessory building from Frank and Shirley Marando, 7028 Liebler Road.

five (5) Ayes Carried

Supervisor Hawkins stated that he has been in contact with National Grid in regards to installing trash racks and retention ponds in some of these culvert areas and stated that they could not start that work until September. Supervisor Hawkins expressed that this was not an acceptable time frame.

Town Clerk Shenk noted that the NYS DEC Conservation licenses go on sale Monday, August 17th. The doe permit deadline is October 1st. He also noted that the records management grant for document imaging will be completed soon. This will allow town residents to access Town Board minutes back to 1818.

Councilwoman Dobson noted that the North Boston playground build date is August 16th, and volunteers are still needed; please contact her if you are interested in helping. Councilwoman Dobson noted that she will be meeting with the town engineers in regards to having the tennis courts resurfaced.

Councilman Ruzzine noted that the town will be working together with the county and our highway department to solve these flooding issues.

A motion was made by Supervisor Hawkins and seconded by Councilman Pluta to adjourn the meeting at 8:07 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK