

Town Board Minutes August 9, 2006

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Dennis J. Mead, Councilwoman Cathleen M. Dobson and Supervisor Eagan.

Also Present: Highway Superintendent Telaak, Town Attorney Downey, Enforcement Officer Ferguson and Deputy Code Enforcement Officer Juda.

Florence Wendling, St. John the Baptist Church, opened the meeting with a prayer.

RESOLUTION 2006 ? 20 BOSTON STATE POLICE BARRACKS

A motion was made by Councilman Mead and seconded by Councilman Hopkins to adopt the minutes of the July 12, 2006 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins, upon review by the Town Board, that fund bills on the Abstract dated August 3, 2006 in the amount of \$190,632.40 be paid.

five (5) Ayes Carried

Received and filed an Erie County Resolution regarding the Concord Agricultural District.

Received and filed a Town of Concord Resolution regarding the Erie County 4-Year Plan.

Received and filed a Town of Colden Resolution regarding the Erie County 4-Year Plan.

Received and filed a Town of Concord Resolution regarding the Sales Tax Revenue Distribution Agreement.

Received and filed notification from Time Warner Cable of the transition from Adelphia Cable.

Received a rezoning request from Patricia Kowalewski, 8291 Boston State Road, and directed Town Clerk Shenk to send her the rezoning application requirements.

Carried

REQUESTS FROM FLOOR

James Reichert, 6706 Hillcroft Drive commented that regarding flood control on the south side of East Hillcroft, a debris rack and/or the breaking up of the dam created by a neighbor would be helpful.

REQUESTS FROM FLOOR CONT'D:

Ronda and James Davis, 6748 East Hillcroft Drive, presented photos to the Town Board of the flooding conditions on Hillcroft caused by an accumulation of debris.

Supervisor Eagan noted that Pin Oak, Hillcroft, Hickory Meadows and Boston Cross Road are all affected by the same hill. There was a meeting last week with Town Board Members, National Grid, Assemblyman Quinn and the engineers to attempt to rectify this problem. Cleaning ditches will not solve the problem because the property on the east side of the power line where the water is coming from is the source of the problem.

At 7:45 p.m. a Public Hearing was held to hear comments regarding the application for the North Boston Fire Company vacant land on Herman Hill Road for a Special Permit for the Dumping of Material.

Supervisor Eagan read the Legal Notice and noted that 38 neighboring property owners and the applicant were notified.

Donald Frydrych, 5674 Herman Hill Road, commented that he lives next door to the property where the material is being dumped. He understands they don't have funds to build the new fire hall so he would like the lot leveled and prepared now so he doesn't have to look at it as it is. He also noted that they should not have brought the material in before a permit was issued.

Supervisor Eagan noted that the North Boston Fire Department did not know a permit was required and when they were notified they immediately applied.

Donald Frydrych responded that fill was brought in before, he had drainage problems, lost trees and it went on for two years. He wants to know what they are going to do about the drainage in front of the site. There was supposed to be drainage when they brought the last fill in, they knew about the permits because they did it before.

Robert Tills, Spokesman for the North Boston Fire Company, commented that fill was found at no cost. Tenants in the rental property were notified to vacate by 1/1/07. Training exercises will be held on the existing building before demolition. Construction will begin in 2007. The town approves plans including drainage plans. More fill is needed and if there is an opportunity for free fill from the thruway project they will take it.

Robert Tills Cont'd: The fire company requests that the termination date of the fill permit be extended one year from 12/31/06 and consider waving the filing fees as the fire company is supported by the town.

Supervisor Eagan requested that the drainage issues be addressed now to avoid possible future problems.

Robert Tills responded that the fire company will work with Code Enforcement on this issue.

Councilman Hawkins inquired as to how many more loads of fill would be required.

Vincent Weiss, North Boston Fire Company member responded that more loads are required but it won't be a lot.

Supervisor Eagan noted that the Town Engineer should inspect the site for possible drainage problems.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to close the Public Hearing at 8:10 p.m.

five (5) Ayes Carried

At 8:11 p.m. a Public Hearing was held to hear comments regarding the Rezoning Application of Mark Henneberg, 8964 Boston State Road.

Supervisor Eagan read the Legal Notice and noted that 39 neighboring property owners and the applicant were notified and the Code Enforcement Officer placed a "Commercial Zoning Application Pending" sign on the property.

Paul Ziarnowski, 9137 Back Creek Road voiced concerns over changing the zoning after the time and expense of doing a Master Plan. He inquired if this benefits the community or just an individual and also who will monitor and enforce. He noted that at any one time there will be approximately twelve cars on display, is there going to be a garage, a noise factor, an environmental factor with drainage into the creek,

Paul Ziarnowski Cont'd: who will monitor the antifreeze, the oil, the gasoline etc.? Concerning the noise factor, will repairs be taking place anytime day or night? This is a whole change in the climate of this area and he is against it.

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson Hawkins to close the Public Hearing at 8:13 p.m.

five (5) Ayes Carried

REQUESTS FROM FLOOR

Bill Burgin, 6891 Pin Oak Drive, thanked Highway Superintendent Telaak for his help and requested the Town of Boston stop running water through his property by getting rid of the ninety degree angle and by running it through the town right-a-way noting he can't wait any longer.

Supervisor Eagan responded that with the cooperation of National Grid and the property owners the problem will be addressed and done right as soon as possible.

Highway Superintendent Telaak noted that some of the water should go down the other side of the road but he doesn't know if all the water can be run down the street.

Supervisor Eagan commented that Highway Superintendent Telaak will investigate the problem and if the majority of the neighbors agree we can move forward.

Clyde Rucker, 6910 Boston Cross Road, thanked the Boston Fire Company for saving our homes and noted that years ago the homeowners told the town that there would be drainage problems and now there are. Rental property owned by the Pages should be condemned because there is 3-4 feet of water in the house and he suggests the town install a pond to solve the problem.

Frank Rosiek, 6900 Boston Cross Road, commented that in the past three years he has had six feet of water in the basement, the furnace is gone, and all the drains on the roads are plugged with debris. He questioned when the problem will be solved.

Supervisor Eagan responded that we need the cooperation of National Grid and each property owner on the top of the hill to help us fix the problem at the source in order to help the families below.

Mark Henneberg, 8964 Boston State Road, commented that he is not going to inspect or repair autos, have no inappropriate hours and cleared over fifty autos from the property.

REQUESTS FROM FLOOR (cont.)

Rod Sargeant, 8872 Maurice Court, commented that the Emerlings were to submit a drainage plan for town approval and also that Congressmen Reynolds, Congresswoman Slaughter, Senators Clinton and Schumer will be in Buffalo next Friday so they may be contacted for funds.

Received proposals for engineering services for the Mill Street Relocation Project in the amount of \$9,000 and the George Drive Culvert Replacement Project in the amount of \$8,100 from Foit Albert & Associates.

Highway Superintendent Telaak recommended that engineering services for these projects are not necessary.

The following bids were received for the Mill Street Relocation Project:

Ingalls Site Development Inc. \$17,200

Osinski Plumbing Inc. \$19,445

Owczarczak Construction Inc. \$20,900

A motion was made by Councilman Mead and seconded by Councilman Hawkins, on the recommendation of Highway Superintendent Telaak, to award the bid to Ingalls Site Development Inc. for a cost of \$17,200 with the oversight of the Boston Highway Dept. for the Mill Street Relocation Project.

five (5) Ayes Carried

The following bids were received for the George Drive Culvert Replacement Project:

Ingalls Site Development Inc. \$12,600

Osinski Plumbing Inc. \$13,250

Owczarczak Construction Inc. \$15,000

A motion was made by Supervisor Eagan seconded by Councilman Hopkins, on the recommendation of Highway Superintendent Telaak, to award the bid to Ingalls Site Development Inc. for a cost of \$12,600 with the oversight of the Boston Highway Dept. for the George Drive Culvert Replacement Project.

five (5) Ayes Carried

RESOLUTION 2006 ? 18 TOWN OF BOSTON FIRE DISTRICT SERVICE AWARD

PROGRAM NEW INVESTMENT CONTRACT AUTHORIZATION

A motion was made by Supervisor Eagan and seconded by Councilman Mead to authorize the Erie County Water Authority to raise four hydrants on Lower East Hill Road at a cost of \$3,000.

five (5) Ayes Carried

RESOLUTION 2006 ? 19 AGREEMENT WITH ERIE COUNTY WATER AUTHORITY FOR NEW FIRE HYDRANTS IN WATER DISTRICT NO. 3

A motion was made by Councilman Mead and seconded by Supervisor Eagan to schedule a Public Hearing on September 6, 2006 at 7:45 p.m. for a Special Permit for the Dumping of Material for Dan Rychlik, 6014 West Tillen Road.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to schedule a Public Hearing on September 6, 2006 at 7:50 p.m. for a Special Permit for the Dumping of Material for Richard Winnicki Sr., 6260 Rice Road.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson, on the recommendation of Town Clerk Shenk, to raise the Marriage Certificate fee from \$5.00 to \$10.00.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to table the Mobile Home Park License Renewals to the September 6, 2006 Town Board meeting.

five (5) Ayes Carried

DEPARTMENT ANNOUNCEMENTS / ACTIONS

Received and filed Monthly Reports from the Supervisor, Town Clerk, Justice Court, Code Enforcement Officers, Dog Control Officers, and Town Engineer.

Supervisor Eagan announced that Mark Flowers, Town Disaster Coordinator, attended a Disaster Advisory Meeting on July 25, 2006 and reported that the National Weather Services offered the town two rain gauges. One will be located at the Highway Garage and one will be requested to be at the Boston Fire Company substation on Zimmerman Road.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to accept two rain gauges furnished by the National Weather Service and to direct Town Clerk Shenk to send a letter to the Boston Fire Company requesting permission to install a rain gauge at the Zimmerman Road substation.

five (5) Ayes Carried

Supervisor Eagan reported that the deadline for all Departments to submit budget requests is August 28th.

Supervisor Eagan reported that the Town of Boston was awarded grants of \$50,000 for soccer fields and \$41,035 for Highway Department recycling equipment.

Town Clerk Shenk announced that NYS DEC licenses will go on sale August 14th and the Deer Management Permit deadline is October 1, 2006.

Highway Superintendent Telaak discussed drainage issues, the pros and cons of a retention pond to control flooding on Boston Cross Rd., installing pipes on both sides of Pin Oak Dr., and Hillcroft Dr. installing a eighteen inch pipe, repaving the road with enough pitch to keep water to the high side and installing pipe on the low side with culverts.

Highway Superintendent Telaak reported that work on Rice Rd. will continue for a few weeks.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to grant Highway Superintendent Telaak permission to attend the Fall Highway Conference in September 2006, all appropriate expenses to be paid.

five (5) Ayes Carried

Councilman Mead announced he will schedule a meeting with Time Warner Cable Division President, Gordon Harp to address issues voiced by residents.

Councilman Hawkins discussed current drainage problems and will contact the government officials who will be in town next week for funds to address the problems.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to adjourn the meeting at 9:00 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK