

Town Board Minutes December 16, 2009

Present: Supervisor Richard K. Hawkins, Councilman James E. Pluta and Councilwoman Cathy A. Maghran.

Excused: Councilwoman Dobson and Councilman Ruzzine.

Also Present: Town Attorney Downey and Code Enforcement Officer Ferguson and Deputy Code Enforcement Officers Lisowski and Juda.

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

Supervisor Hawkins noted that in response to an inquiry at the Agenda Review as to whether the Boston Democratic Club applied for a sign permit for the previous election, he verified that the application was submitted and the \$10 fee for the sign permit was paid on 09/29/09.

Supervisor Hawkins noted that the Boston Hotel, 9378 Boston State Road, was given 90 days to comply with certain issues in regards to the fire damaged building. Code Enforcement noted that deadline was at the end of November.

A motion was made by Supervisor Hawkins and was seconded by Councilman Pluta to direct Code Enforcement Ferguson to notify William Dellamore informing him that he needs to bring the Boston Hotel, 9378 Boston State Road, into compliance or make the arrangements to have the building demolished.

three (3) Ayes Carried

RESOLUTION 2009-24 HILLCROFT PROJECT

Supervisor Hawkins noted that back in 2008 there were eight projects through Erie County Soil and Water that were established for some Eighteen Mile Creek problems and the Town of Boston entered into an agreement with it. The Town of Boston contributed \$5,000 each to both the Moran and Ziarnowski projects.

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Maghran to authorize the payment of \$10,000 to Erie County Soil and Water for the Moran and Ziarnowski projects.

three (3) Ayes Carried

A motion was made by Councilman Pluta and seconded by Supervisor Hawkins to approve the minutes of 12/02/09.

three (3) 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 December 11, 2009 in the amount of \$522,716.62 be paid.

three (3) Ayes Carried

Received and filed the Erie County Water Authority Tariff Amendments.

Tom Steinagle, 5540 Maple Grove Drive expressed his concern in regards to the condition of the roads during the last major snow storm. He noted that Keller and Mayer Roads were impassable and his car ended up in the ditch and he had to leave it there until it was clear enough to move it.

Highway Superintendent Telaak noted that the roads were extremely dangerous and visibility was very poor and because of this, he pulled his snow plow crews off the roads for about an hour and a half until

the visibility improved. He stated that he needs to keep his drivers safe also. Highway Superintendent Telaak apologized for the inconvenience.

Erie County Legislator Reynolds thanked the Town Board for all their cooperation throughout the past four years.

Erie County Legislator Reynolds noted that there will be a HEAP outreach on December 23rd at the Hamburg Town Hall. He recommended that interested residents should arrive by 7 a.m. because only the first 80 applicants will be accepted.

Erie County Legislator Reynolds noted that County Highway changed its shifts and now there are (two) eight hour shifts, so the roads are not covered from 8 pm until Midnight.

Erie County Legislator Reynolds noted that the Legislature has approved a \$750,000 budget increase in Library funds. He noted that the Town Board should make sure that the Boston Free Library gets its share. He also noted that Erie Community College's budget was also increased by \$208,000 and Erie County Soil and Water by \$30,000. He noted that the county does a lot of matching with Erie County Soil and Water. An important part of the process is how we match up.

Erie County Legislator Reynolds noted that he and Erie County Legislator Iannello are trying to pass a tax exempt law on new assessments. The proposal allows someone who builds up to a \$40,000 addition to his/her house to receive an exemption of up to five years. The first year there is no tax on the addition. Then it would increase by 20% every year for up to five years. The object is to get some investment back into the community on older homes. He stated that he doesn't know if this law will pass. Right now the City of Buffalo gives this exemption on new additions or improvements to properties up to \$80,000.

Erie County Legislator Reynolds noted that he is very pleased to have worked with this Town Board. They have done a lot of good things in regards to the clean up of Eighteen Mile Creek. He noted that everyone put a lot of time and effort into this project.

Supervisor Hawkins noted that FEMA has approved four out of the six projects. Three of the projects are done. The Eckhardt Street Bridge is not done because FEMA wants the ground to be harder so it does not rip up the homeowner's property. Supervisor Hawkins noted that he signed the contract with FEMA. The Town of Boston has received approximately \$50,000 in aid, and that 75 percent of the total cost comes from FEMA. NYS kicks in 12 ½ percent and the town kicks in 12 ½ percent. Four of the worst projects blocking Eighteen Mile creek have been cleared. Eastwood Industries looked at those areas about a year ago and quoted the town for almost \$200,000 to remove just five spots in Eighteen Mile Creek where there were log jams.

Erie County Legislator Reynolds noted that being active with this is the only way to keep the Creek free of debris. It's a constant battle with maintenance.

Supervisor Hawkins noted that he spoke with Nussbaumer and Clarke Engineers in regards to the Hillcroft water project (Water District #2, Ext. #3). He noted that the cost of this project has now increased to approximately \$750,000 because the Erie County Water Authority does not want a pump station. The only way it would work is if the Town of Boston went into the water business, which includes reading meters, testing water, billing, etc. So the Town of Boston has looked into going across the 219 Expressway Right-of-Way and the Water Authority has agreed to it.

Tom Smith, 6267 Hillcroft Drive, noted that this project has been something that he has been very interested in seeing happen. The first meeting was approximately 5½ years ago. We are very excited about the grant from Rural Development of \$332,000 and we look forward to having this project get started in the spring. He believes there is a benefit to the town with bringing water from the other side of the 219 Expressway to this side of the hill. We have a majority of residents on Hillcroft and Deer Run Roads that are willing to support this project from a financial point of view along with the monies from Rural Development Grants. As the unofficial leader of this group, he personally thanked the Town Board for all its efforts and looks forward to working with the new Town Board.

Supervisor Hawkins noted that there will be five water hydrants on the hill which gives the homeowners fire protection.

A motion was made by Councilman Pluta and was seconded by Councilwoman Maghran, upon the recommendation of Highway Superintendent Telaak, to approve the National Fuel 2010 Annual Blanket Highway Work Permit.

three (3) Ayes Carried

A motion was made by Supervisor Hawkins and seconded by Councilman Pluta to approve the Transfer of Appropriations as follows:

GENERAL FUND:

FROM: ACCT.

Estimated Revenues	A510	27,000.00
Appropriations	A960	86,400.00
Sales Tax	A1120	27,000.00
BAN Interest	A9730.7	2,168.00
Contingency	A1990.4	84,232.00

Total 113,400.00 113,400.00

TO: ACCT. Debit Credit

Appropriations	A 960	113,400.00
Court-Contractual	A1110.4	4,000.00
Buildings-Equipment	A1620.2	40,000.00
Buildings-Contractual	A1620.4	5,000.00
Highway Administration	A5010.4	1,000.00
Nutrition-Contractual	A6772.4	1,000.00

Parks-Equipment	A7110.2	35,000.00	
Recreation ? Contractual	A7310.4	400.00	
Other Home/Comm (brush/Leaf)	A8989.4	27,000.00	
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Total	113,400.00	113,400.00	

HIGHWAY FUND

FROM: Acct.	Debit	Credit	
Estimated Revenues	D510	177,118.00	27,000.00
Appropriations	D960	85,000.00	
Sales Tax	D1120	27,000.00	
Other State Aide-Shared Grant	D3089	166,194.00	
Misc. Rev-Other Town?s shared	D2770	10,924.00	
General Repairs-Fuel & Diesel	D5110.4A	25,000.00	
Snow Removal-Contractual	D5142.4	30,000.00	
Serv. Other Gov?t-Contractual	D5148.4	30,000.00	
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Total	289,118.00	289,118.00	

Motion Cont?d:

TO: Acct. Debit Credit

Estimated Revenues	D510	27,000.00	
Appropriations	D960	262,118.00	
Interfund Revenue (Brush/Leaf)	D2801	27,000.00	
General Repairs-Pers. Serv.	D5110.1	200.00	
General Repairs-Contractual	D5110.4	49,800.00	
General Repairs-Drainage	D5110.4B	25,000.00	
Machinery-Equipment	D5130.2	177,118.00	
Machinery-Contractual	D5130.4	10,000.00	
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Total		289,118.00	289,118.00

three (3) Ayes Carried

Town Attorney Downey noted that there was an update to the 2009 Nutrition Contract. He stated that there was an increase in the reimbursement rate for clean up costs and Erie County is also requiring copies of the insurance.

A motion was made by Councilman Pluta and was seconded by Councilwoman Maghran to authorize Supervisor Hawkins to enter into the contract amendment with the Erie County Nutrition program.

three (3) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Pluta to authorize the Use of Facilities Application for the Boston Chamber of Commerce for Wednesday, July 7, 2010.

three (3) Ayes Carried

A motion was made by Supervisor Hawkins and was seconded by Councilman Pluta to re-appoint Clayton Schunk to the Assessment Board of Review, term to expire September 30, 2014.

three (3) Ayes Carried

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Maghran to refer Jeffery Szudzik request for appointment to the Conservation Advisory Council for review and recommendation.

three (3) Ayes Carried

Councilman Pluta stated that the request for a 3rd accessory building from Gary Haag should be going to the Zoning Board of Appeals first.

Deputy Code Enforcement Officer Lisowski noted that according to the Town Code the Town Board has to approve additional accessory buildings on properties exceeding two buildings. The Town Board has to approve a second or third accessory building then because of lot coverage it will have to go to the Zoning Board of Appeals. But can not go before the Zoning Board of Appeals until the Town Board approves the additional accessory building.

Supervisor Hawkins noted that this resident has 68 acres, so he has a sufficient amount of property.

Erie County Legislator Reynolds noted that Gary Haag has applied to the agriculture district.

Town Attorney Downey noted that technically the Town Board would be approving a 3rd accessory because he has a separate garage and barn.

Councilwoman Maghran noted that one of those buildings will be torn down.

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Maghran, on the recommendation of Deputy Code Enforcement Officer Juda, to approve the request for a 3rd accessory building from Gary Haag, 4513 Haag Road, and refer it to the Zoning Board of Appeals for additional approval.

three (3) Ayes Carried

The following insurance quotes were received:

HCC Insurance Co. - 2009 \$42,998

- 2010* \$43,312

Trident \$54,467

Traveler?s Didn?t Quote

Prime Didn?t Quote

*Coverage & deductibles remained the same.

A motion was made by Supervisor Hawkins and was seconded by Councilman Pluta, on the recommendation of Town Clerk Shenk, to contract with HCC Insurance Co. for property and liability insurance effective 1/1/2010 in the amount of \$43,312.

three (3) Ayes Carried

The following Worker's Compensation quotes were received:

PERMA - 2009 \$82,967

- 2010 \$87,085

State Insurance Fund - \$90,815

Level Safety Group-497

COMP Alliance \$97,621

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Maghran, on the recommendation of Town Clerk Shenk, to contract with PERMA for Worker's Compensation insurance effective 1/1/2010 in the amount of \$87,085.

three (3) Ayes Carried

Received and filed monthly reports from the Supervisor, Town Clerk, Code Enforcement Officers, Dog Control Officers, and Assessor.

Supervisor Hawkins expressed his gratitude on being able to serve the Town of Boston for the past eight years as a Councilman and the last six months as Supervisor. He noted that he cares for every person living in this community and has always tried to treat people in a kind and courteous manner. He believes that a great deal has been accomplished with Eighteen Mile Creek, the new playground areas, the new State Police Barracks, the new water line installations and the new roof on the Emergency Squad/Park Building. He stated that he is sure that the new Town Board will do the best possible job they can. He noted that mistakes are made and you will not be able to please everyone. He stated that he knows that he has done the best that he could do for this community.

Town Clerk Shenk congratulated all of the outgoing council members and also Erie County Legislator Reynolds on their service to the community.

Highway Superintendent Telaak recommended to all parents of teenage drivers to speak with them in regards to driving in winter conditions. There have been many teen/car fatalities this winter.

Highway Superintendent Telaak noted that he does not have the manpower to have two twelve hour shifts. He stated that he has one worker that begins at 10 p.m. and works until 6 a.m. He stated that there are seven plow routes and he only has seven employees.

Town Attorney Downey noted that NYS requires that the Town of Boston have an agreement with a dog shelter in writing. So based on a sample agreement they have provided he has put together a dog sheltering agreement. He stated that Dr. Nowak shelters for the Town of Boston and charges \$7.

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Maghran to accept the NYS dog sheltering agreement.

three (3) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Pluta to amend the previous motion accepting the NYS dog sheltering agreement and to include authorizing Supervisor Hawkins to sign the agreement.

three (3) Ayes Carried

Town Attorney Downey noted that he has a follow up on previous discussions on the projects in Eighteen Mile Creek. Erie County Soil and Water as well as the USDA Natural Resources Conservation Service have put together an agreement that we have generally used in the past and therefore it's appropriate for the Town Board to make a motion to approve the project agreement for the Hillcroft project as well as to authorize Supervisor Hawkins and Highway Superintendent Telaak to sign as project sponsors as well as to sign the land rights assurance statement. The Land Rights Assurance Statement is

that we have acquired either through easements or state law the rights to go onto properties to be able to do the work on the Eighteen Mile Creek project.

A motion was made by Councilman Pluta and was seconded by Councilwoman Maghran to accept the Hillcroft project agreement and to authorize Supervisor Hawkins and Highway Superintendent Telaak to sign the agreement.

three (3) Ayes Carried

A motion was made by Councilman Pluta and was seconded by Supervisor Hawkins to authorize the Supervisor and Highway Superintendent Telaak to sign the land rights agreement.

three (3) Ayes Carried

Town Attorney Downey noted that the Land Rights Assurance Statement is a requirement of the federal and state government in order to proceed with the project.

Town Attorney Downey stated that it was a pleasure working with this Town Board and for being able to serve the town.

Councilman Pluta stated that the last Conservation Advisory Council meeting was cancelled due to lack of a quorum.

Councilman Pluta stated that he was approached by the president of the Patchin Fire Company stating that their insurance carrier has asked that the Fire Company send a roster of the current active members, along with the dates of any planned fundraisers in 2010 for the Town Board approval.

A motion was made by Councilman Pluta and was seconded by Supervisor Hawkins to approve the active member roster and the 2010 fundraising events for the Patchin Fire Company.

three (3) Ayes Carried

Councilman Pluta stated that it was a pleasure working with Supervisor Hawkins, Councilwoman Dobson and Councilman Ruzzine. He stated that the road was not always smooth or kind but they always pressed on through the triumphs and challenges.

Councilwoman Maghran noted that Councilwoman Dobson's daughter was honored by the Eden School Board with a 10th place in the NYS Swimming Championship.

Councilwoman Maghran thanked all the organization and community members who assisted the children in the Boston area for their generosity this holiday season.

Councilwoman Maghran stated that the Planning Board has asked the Town Board to direct Town Clerk Shenk to copy Code Book Chapter 97 ? Site Plan Review and have it available to any persons who inquire about the procedures of a site plan application.

Town Clerk Shenk noted that his office has always done this and will remind his staff about this procedure.

Councilwoman Maghran noted that the Planning Board has requested the Town Board to authorize Town Planner Brox to review all the town maps and update and correct all the zoning.

Town Attorney Downey noted that this should be something that the new Town Board should deal with. He stated that all the town maps will have been updated by year end.

Councilman Pluta asked if the town planner was a yearly appointment and shouldn't the Planning Board be advertising for it?

Councilwoman Maghran thanked the outgoing Town Board members and Erie County Legislator Reynolds for their service to the public.

A motion was made by Supervisor Hawkins and seconded by Councilwoman Maghran to adjourn the meeting at 8:20 p.m.

three (3) Ayes Carried

DAVID J. SHENK, TOWN CLERK