

Town Board Minutes December 6, 2006

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Dennis J. Mead, and Supervisor William A. Eagan.

Excused: Councilwoman Cathleen M. Dobson.

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

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to schedule a Public Hearing for January 17, 2007 at 7:40 P.M. on Proposed Local Law No. 6 of the Year 2006 entitled, "A Local Law, For A Moratorium On Applications For The Approvals Of Subdivisions, Planned Unit Developments, Cluster Developments And Multiple Dwellings Over Two Units?".

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adopt the minutes of the November 15, 2006 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins, upon review by the Town Board, that fund bills on the Abstract dated November 30, 2006 in the amount of \$224,862.25 be paid.

five (5) Ayes Carried

Received and filed Erie County Water Authority Tariff Amendments effective 1/1/07.

REQUESTS FROM FLOOR

Rhonda Davis, 6748 Hillcroft Drive, displayed a poster depicting a timeline from 1993, the first flood they experienced in 1994 and measures taken to address the flooding problems.

James Davis, 6748 Hillcroft Drive, commented that a professional in water and drainage management offered an opinion that larger pipes are necessary so that the speed of water is not decreased allowing debris to collect. He noted that money needs to be spent at the point of erosion after where water passes through the 72-inch bridge and takes a turn because that corner will collapse and take all the debris away. You cannot decrease the speed of water in front of that pipe.

Rhonda Davis commented that she called Erie County and was told there has never been a problem with 42-inch pipes. Typically, as you go downhill the pipes get larger.

James Davis noted that is exactly what has taken place on Holiday Drive. There is a 60- inch pipe that went to a huge wide-open plank.

James Davis Cont'd: The drainage professional noted that if we went with a square housing the water will not slow down and there will not be flooding or debris building up. The problem now is that debris builds up in this area.

Highway Superintendent Telaak commented that the pipe they took out was not a 60-inch pipe, but a 48-inch corrugated steel pipe. The engineer determined that more water will flow through a 42-inch smooth plastic pipe than a 48-inch corrugated pipe. He noted that the dam was built in 2005.

Supervisor Eagan noted the Davises came to the Town Board to resolve a problem and the Town Board came up with a solution based on the opinion of our experts. Now the Davises tell us that they have an expert that doesn't agree with our engineers. Supervisor Eagan added that in the interest of working together he suggests that the Davis' professional call Foit Albert Engineers and discuss the drainage issues.

Councilman Hopkins commented that the Town Board has been open with James Davis who was informed weeks ago that he does not need permission to speak to the town engineers.

James Davis noted it is the town's fault for all this flooding. His expert said that trash racks are only good for slow traveling water.

James Reichert, 6706 Hillcroft Drive, commented that there was a sixty-inch pipe there when he moved in, a forty-eight inch was installed later and Highway Superintendent Telaak reduced that to a forty-two inch pipe.

Councilman Mead commented that there has been progress in solving the drainage issue and in his opinion the Town Board hired the best engineers in Western New York.

Rhonda Davis commented that a letter from Foit Albert Engineers stated that this solution will not prevent another flood.

Supervisor Eagan confirmed that there are certain conditions that can't be controlled. This Town Board and previous Town Boards were attempting to come up with a resolve. He is not putting the burden of a solution on the Davises but in the spirit of teamwork suggests again that their expert contact Foit-Albert Engineers and offer suggestions.

Councilman Hopkins commented that it sounds as though it is going to be a constant disagreement. We have our engineers and we are not going to stop Mother Nature.

Councilman Mead noted that when there is a heavy rain the Highway Department is proactive and is right over there.

Highway Superintendent Telaak commented that during the last rainfall the pipe in question was not even a third full.

Highway Superintendent Telaak Cont'd: The drain intake going down the north side of Boston Cross Road was completely full. There was no flooding on Hillcroft Drive or in Hickory Meadows Subdivision.

Thomas Tresler, 6785 Liebler Road, reported that he has a flooding issue with water coming down through his driveway. There was six inches of sand and debris in his driveway that came off the road preventing him from getting in his driveway.

Supervisor Eagan responded that the town is working on this issue because another property owner is blocking a drainage ditch and it is a legal issue.

Councilman Mead noted that this same property owner has said he would work with Mr. Tresler to resolve the issue soon.

Town Attorney Downey reported that a survey was done to delineate our right-of-way and a letter will be going out soon.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to table the request of David Stringfellow for re-appointment to the Planning Board until the 12/20/06 Town Board meeting.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to grant Rick Hayden, owner of Couzins Restaurant, permission to have a band December 31, 2006 from 10:00 p.m. to 2:00 a.m. in lieu of Saturday, December 30, 2006.

five (5) Ayes Carried

The following window replacement bids were received:

Design Home Improvement \$25,800.00

Bracewell Enterprises \$17,495.00

Hard-Knot Construction \$50,180.59

A motion was made by Councilman Hopkins and seconded by Supervisor Eagan to table awarding the bids for the Town Hall Widow Replacement Project.

five (5) Ayes Carried

Received and filed monthly reports from the Justice Court, Code Enforcement Officers and the Recreation Director.

Town Attorney Downey reported that the Town Board requested to have the unsafe structures at 6892 Boston Cross Road and 6588 Hillside Drive demolished by the fire departments for training purposes.

Town Attorney Downey Cont'd: Town engineers have notified that NYS asbestos regulations must be adhered to which includes the requirement of a survey. A controlled burn may take place at the property on 6892 Boston Cross Road with a survey. The engineers do not recommend a burn at the 6588 Hillside Drive property because it should be a controlled demolition due to safety issues.

Foit Albert submitted a proposal to do a survey of 6892 Boston Cross Road for \$1,550 and lab fees for approximately \$500 depending on the amount of asbestos in the structure. If a burn is not ordered for 6588 Hillside Drive Foit-Albert can also structure bid documents.

Supervisor Eagan commented that the homeowners will reimburse the town for the cost of the survey and fees.

Town Attorney Downey confirmed that letters will be sent to owners of 6892 Boston Cross Road and 6588 Hillside Drive by Friday, December 8, 2006 offering them the opportunity to take responsibility for the demolition process.

A motion was made by Councilman Mead and seconded Supervisor Eagan to enter into a contract with Foit Albert for a survey and lab fees for 6892 Boston Cross Road at a cost of \$1,550 and \$500 respectfully, contingent upon a response from the owner by December 22, 2006 indicating whether or not they choose to do the demolition.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded Supervisor Eagan to enter into a contract with Foit Albert for a survey and lab fees for 6588 Hillside Drive at a cost to be determined and contingent upon a response from the owner by December 22, 2006 indicating whether or not they choose to do the demolition.

five (5) Ayes Carried

Councilman Hopkins announced that the annual Boston Town Band Christmas Concert is at Boston Valley Elementary School on Sunday, December 10, 2006 at 3:00 p.m.

Councilman Hawkins encouraged support of the Town Christmas Sharing Tree located in the Town Hall lobby that benefits Boston children in need

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 8:30 p.m.

five (5) Ayes Carried

JENNIFER A. MULÉ, DEPUTY TOWN CLERK