

Town Board Minutes December 7, 2005

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Karl J. Simmeth Jr., and Supervisor Eagan.

Also Present: Highway Superintendent Telaak, Town Attorney Vacco, and Code Enforcement Officer Kramer.

Absent: Councilman Dennis J. Mead.

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

A motion was made by Councilman Simmeth and seconded by Councilman Hopkins to adopt the minutes of the November 16, 2005 regular meeting.

four (4) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins, upon review by the Town Board, that fund bills on the Abstract dated December 1, 2005 in the amount of \$169,753.18 be paid.

four (4) Ayes Carried

REQUESTS FROM THE FLOOR

Sean Crotty, North Boston Fire Company Chief: I want to clarify that North Boston Fire Company is not requesting emergency equipment as stated on the agenda. The Boston Town Board identified the emergency equipment needed by the three fire companies. North Boston Fire Company researched prices and submitted a list.

Supervisor Eagan: At a post State of Emergency meeting after the last flood we reviewed what we did right and what we can improve upon. A lack of adequate equipment was discussed. The town is purchasing this equipment to be used and stored by the three fire companies.

A motion was made by Councilman Hopkins and seconded by Councilman Hawkins to approve the purchase of emergency equipment at a cost of \$10, 840.32 to be used by North Boston, Patchin and Boston fire companies

four (4) Ayes Carried

Supervisor Eagan commented that resolutions from the Village of Gowanda and Towns of Eden, Elma and Concord regarding the administrative structure of Erie County CDBG Program were received.

RESOLUTION 2005-28 OPPOSING ANY CHANGE TO THE EXISTING ADMINISTRATIVE STRUCTURE OF THE ERIE COUNTY CDBG PROGRAM

Code Enforcement Officer Kramer noted there have been no complaints regarding the DeSantis renewal request for a Special Use Permit.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to approve the renewal of a Special Use Permit for a Temporary Structure for Robert DeSantis, 6346 May Drive, to expire 12/31/07.

four (4) Ayes Carried

Councilman Simmeth commented that DeSantis has been approved for a Special Use Permit for a Temporary Structure for six years. When does a temporary structure become a permanent structure?

Councilman Hopkins noted that the structure could be dismantled in an hour.

Code Enforcement Officer Kramer explained that the DeSantis structure is a tubular structure with a canvas cover. We addressed it as a temporary structure because a

Neighbor, now deceased, complained. There is nothing in the building code that addresses this as a permanent structure. There is no foundation and a snow load can't be determined but how long should it be considered a temporary structure?

Supervisor Eagan commented that clarification should be made in the future.

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to approve renewal of a Special Permit for an Amateur Radio Tower from Thomas Williams, 5330 Keller Road, to expire 12/31/07

four (4) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to refer the appointment request from Michael Fitzner, to the Planning Board for review and recommendation.

four (4) Ayes Carried

A motion was made by Councilman Eagan and seconded by Councilman Hawkins to appoint Mark A. Kaminski to the Assessment Board of Review, term to expire 9/30/10.

four (4) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Councilman Hawkins to approve the request for an additional night of Live Entertainment from McGirr's Patchin Place, 8326 Boston State Road, on December 9, 2005, 9:30 p.m. ? 1:30 a.m.

four (4) Ayes Carried

Code Enforcement Officer Kramer noted that regarding a request for a fire hydrant from the Hodgson Agency, Inc., 7350 Boston State Road, Mr. Hodgson needs a denial letter, if that is the decision of the Board, because he will need to apply for a variance from the State to exempt him from the fire hydrant. He has to be denied at this level and appeal and then at that point the North Boston Fire Company will be asked to offer their input. NYS Fire Code states that any commercial building in a water district with hydrants has to be within 400 feet of a hydrant and this building is about 430 feet from a hydrant.

A motion was made by Councilman Hawkins to deny the Town of Boston purchase of a fire hydrant for the Hodgson Agency, Inc., 7350 Boston State Road.

The motion died for lack of a second.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to deny the request of the Hodgson Agency, Inc., 7350 Boston State Road, for a fire hydrant on the north side of Boston State Rd. in the vicinity of 7336 Boston State Road.

four (4) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth to refer the Site Plan Review for 7046 Brown Hill Road from Kenneth and Ann Schunk to the Planning Board for review and recommendation.

four (4) Ayes Carried

Councilman Simmeth commented that a change order for installation of an additional streetlight for Hickory Meadows subdivision is due to resident complaints of a dark area.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to approve, on the recommendation of Town Clerk Shenk and Councilman Simmeth, the Hickory Meadows Lighting Project Change Order #1 in the amount of \$1,950 for one additional streetlight.

four (4) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to table the contract renewal of H & V Risk Consultants, LLC.

four (4) Ayes Carried

Mr. & Mrs. Needell, 7123 Boston State Road, noted that as long as the conditions at Couzins Restaurant remain as they are now they have no complaints.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the renewal of a Special Permit for Live Entertainment for Couzins Restaurant at 7115 Boston State Road, to expire 6/30/07 with the stipulations and conditions previously approved at the revocation Public Hearing on July 20, 2005.

four (4) Ayes Carried

Supervisor Eagan requested a letter be sent to Mr. Hayden, owner of Couzins Restaurant, with copies to Town Board members, noting the conditions of the Special Permit renewal for Live Entertainment.

DEPARTMENT ANNOUNCEMENTS/ACTIONS

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth to accept the November 2005 Town Clerk Report.

four (4) Ayes Carried

Deputy Town Clerk Ellis noted that Town Clerk Shenk is on Military leave until December 16, 2005.

Deputy Town Clerk Ellis announced that the Boston Chamber of Commerce Sharing Tree is in the Town Hall adorned with angel ornaments for gift giving to Boston children.

Town Attorney Vacco requested that the board approve expenditures in the amount of \$1,200 for appraisals needed for current Article 7 proceedings.

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to approve the expenditure of \$1,200 for Ron Bennett, Attorney handling the Article 7 proceedings.

four (4) Ayes Carried

Received and filed monthly reports from the Code Enforcement Officers.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to adjourn the meeting at 8:00 pm.

four (4) Ayes Carried

KAREN A. ELLIS, DEPUTY TOWN CLERK