

Town Board Minutes February 1, 2006

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

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

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

RESOLUTION 2006-06 IN SUPPORT OF THE EDEN AGRICULTURAL DISTRICT (EC#2)

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to set the salary for the additional Code Enforcement Officer at \$6,500 per year and the Deputy Supervisor at \$1,000 per year.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to adopt the minutes of the January 18, 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 January 26, 2006 in the amount of \$108,374.52 be paid.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to approve the Use of Facility Application from Patchin Fire Company for Boston Community Days, June 22-27, 2006.

five (5) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Councilman Hawkins to approve the Use of Facility Application from Southtowns Women Friendship Club for a garage sale, May 13, 2006.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the Use of Facility Application from Dominic Mariotti for Geo-Caching Day, May 20, 2006.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the Annual Audit for the Town Clerk, Tax Collector, Town Justice, Bookkeeper, Recreation Director and Dog Control Officer.

five (5) Aye Carried

Received a Planning Board recommendation of approval for the site plan for 7046 Brown Hill Road, limited by the number of bedrooms as stated in the Erie County Health Department letter.

A motion was made by Councilman Hopkins and seconded by Councilman Hawkins, on the recommendation of the Planning Board, to approve the site plan for 7046 Brown Hill Road with a limitation of two bedrooms per unit.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilwoman Dobson to approve the Use of Facility Application from St. John the Baptist Church for June 10, 2006 for a chicken dinner party.

five (5) Ayes Carried

DEPARTMENT ANNOUNCEMENTS / ACTIONS

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve the 2006 Town of Boston tax insert.

five (5) Ayes Carried

Councilman Mead stated that the Conservation Advisory Council has elected the following officers for 2006: Pat Thompson, Chairman and Sarah desJardins, Financial Advisor.

Councilman Hopkins stated that Planning Board has elected the following officers for 2006: Patricia Hacker, Chairman; David Stringfellow, Vice Chairman; and Timothy Kirst, Secretary.

Councilman Hopkins stated that the Planning Board is looking for members. He asked Town Clerk Shenk to have that request posted on the town website and sent to the media.

Councilman Hopkins stated that there would be four speed limit signs put up on Eddy Road and placed at the discretion of the Highway Superintendent.

Councilman Hopkins noted that he received from Erie County a request for unsafe traffic areas to be reported and asked if a notice can be put on the Website.

Councilman Hawkins asked Highway Superintendent Telaak if anything has been done regarding the flooding/drainage issues in the Hickory Meadows subdivision.

Highway Superintendent Telaak stated that nothing has been done. He noted that he has talked to Mr. Emerling back in December and explained the situation of needing a culvert pipe put in so the Highway Department can access the right of way. He stated that there was some work done up there last summer. There are rock dams and with one rain it filled up and now gravel is washing down the 36? pipe, which will probably be plugged up by spring.

Councilman Hawkins asked if this issue had to go back to the Planning Board.

Councilman Hopkins stated that there was a meeting back in November, 2005 with the Town Engineers. He believes that Mr. Emerling was supposed to attend that meeting, but did not.

Pearl Emerling: I did not know that anything was going to be brought up about Hickory Meadows tonight. Maury would have been here to answer questions. We do not know of any problem up there. We thought everything was settled. Maury went up there with Highway Superintendent Telaak and they talked things over.

Highway Superintendent Telaak stated that was correct, but he showed Mr. Emerling that there wasn't a pipe in the ditch for Highway Department to be able to get in there to clean the area out.

Pearl Emerling: My understanding was that everything was settled as far as anything that we had to do. We had given the town a check for \$15,000 for security.

Supervisor Eagan: That check was given to the town before I became supervisor. If you check your records, you will find that that check was never cashed.

Town Clerk Shenk stated that he would check his records.

Supervisor Eagan stated that in his investigation of the check, he found nothing in the town's account to show that we received \$15,000.

Pearl Emerling stated that she stopped payment on the check because it was never cashed and it expired.

Supervisor Eagan: We may have had the check, but it is not the money. I do not know why it was never cashed; I was not in office at that time.

Mrs. Emerling asked if Supervisor Eagan looked at the agreement that was drawn up at that time.

Supervisor Eagan stated that he did, but also thought that the attorney at that time handled that. For some reason, we never escrowed that \$15,000.

Mrs. Emerling: I think that we need to open this matter up again.

Supervisor Eagan stated that if something is wrong in any subdivision, and is deemed a problem by the Highway Superintendent or Engineers we will address it.

Highway Superintendent Telaak stated that once the problems are fixed, we accept them and then they become the town's problem after that.

Supervisor Eagan stated that the town never accepted the full right a way. He stated another meeting would be set up to discuss this matter.

Councilman Hawkins stated that he brought this up because he felt there might have been a miscommunication on this matter, and that the Planning Board should send her a letter to bring her in and go over what issues may still be lingering.

Mrs. Emerling: We have sat down many times with our Engineers and yours, and it's always bringing up something extra that needs to be done. We were up there this past week and took some pictures. I do not know what you are saying is up there. I will get that agreement out and talk to Town Attorney Downey about it.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to adjourn the meeting at 7:48 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK