

Town Board Minutes February 6, 2008

Present: Supervisor William A. Eagan, Councilmen James E. Pluta and Richard K. Hawkins, Councilwomen Cathleen M. Dobson and Cathy A. Maghran

Also Present: Town Attorney Downey, Deputy Code Enforcement Officers Lisowski and Juda, Deputy Supervisor McGirr.

Supervisor Eagan noted that during the Organizational Meeting in January the salary of the Deputy Supervisor was inadvertently overlooked.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to appoint William A. McGirr as Deputy Supervisor with the same rate of pay as 2007, term to expire 12/31/08.

five (5) Ayes Carried

RESOLUTION 2008-03 IN OPPOSITION TO NATIONAL GRID'S GARDENVILLE-HOMER HILL PROJECT

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to schedule a Public Hearing for March 5, 2008 at 7:45 p.m. on Proposed Local Law No. 1 of the Year 2008, A Local Law for An Extension of 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 Councilwoman Maghran and seconded by Councilman Hawkins to adopt the minutes of the January 16, 2008 regular meeting.

five (5) Ayes Carried

Councilman Pluta noted that voucher #109 on the abstract has an overage of \$.17. He asked Supervisor Eagan if there was a purchase request for voucher #107.

Supervisor Eagan stated that there was not a purchase order request submitted for voucher #107. He stated that Highway Superintendent Telaak came into his office the day before he rented this equipment stating that we needed to buy a bucket truck. Supervisor Eagan stated that he could not justify spending thousands of dollars on a used bucket truck for one or two days a year. He asked Highway Superintendent Telaak how much it would cost to rent a bucket truck until they could determine reasons to purchase one. He then directed Highway Superintendent Telaak to look into the cost of renting and get back to him. In the meantime, Supervisor Eagan spoke with the Hamburg and Concord Highway Superintendents that same day. Both offered their bucket trucks and asked to have Highway Superintendent Telaak call them. He noted that he does not know why Highway Superintendent Telaak did not call them. He stated that he feels the expense of over \$500 was uncalled for and it violated the purchase policy.

Councilman Pluta reiterated that there should have been a purchase request submitted for this purchase.

Supervisor Eagan stated that Highway Superintendent Telaak did not have authorization to rent the bucket truck.

A motion was made by Councilman Pluta and seconded by Supervisor Eagan, upon review by the Town Board, that fund bills on the Abstract dated January 31, 2008 in the amount of \$132,138.92 be paid which excludes voucher #107 in the amount of \$564.50 and voucher #109 in the amount of \$.17.

five (5) Ayes Carried

Supervisor Eagan inquired as to why the Court Room would be needed for the Summer Recreation Program.

Town Clerk Shenk noted that the court room would only be used if there were inclement weather that the Lion's Shelter could not accommodate.

Councilwoman Dobson asked if the community room could be used.

Town Clerk Shenk stated that the nutrition program usually runs from 11:30-12:30 minimum.

Councilwoman Maghran noted that these are the kids who usually go to Erie Community College. Because of bussing issues and other problems we are looking to find other accommodations for this group of kids ranging from 6th grade to 9th grade. She also stated that this is just a temporary arrangement until other facilities can be found.

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to approve the Use of Facility Application for the following organizations and dates:

Girl Scouts of Buffalo & Erie County April 26, 2008

St. John the Baptist Church June 14, 2008

Kingfish Services/Boston Chamber July 2, 2008

Boston Recreation ? Summer Concerts June 17, 24; July 1, 8, 15, 22, 29;
August 5, 12, and 19

Boston Recreation ? Summer Recreation July 7 ? Aug 15, 2008

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to refer the request for appointment from Mark D. Coppola to the Planning Board for review and recommendation.

five (5) Ayes Carried

Supervisor Eagan read a letter from Jason Penfold requesting a Special Use Permit for a Temporary Structure at 7433 Lower East Hill Road.

Deputy Code Enforcement Officer Lisowski stated that he was cited last summer. He cleaned up the property and told Code Enforcement that he had anticipated putting up an accessory building at a later date. He received a one year Adjourned in Contemplation of Dismissal from Boston Court and was directed to apply for a Special Use Permit for a Temporary Structure.

Supervisor Eagan noted that according to the survey there already exists two accessory buildings, which are 10.3? x 12.3? and 6.2? x 5.9?.

Deputy Code Enforcement Officer Lisowski stated that one was supposed to be removed. He can not verify if they were up before the Town Code changed in 1990.

Councilman Pluta stated even if the two sheds were grandfathered, he is still proposing to add one. They should still be counted toward the number of accessory buildings.

Supervisor Eagan noted that he has concern about a truck body on residential property and that it will start to look like a junk yard. He would consider a one year permit.

Councilman Hawkins asked if a public hearing is needed.

Town Attorney Downey stated a public hearing is not needed and that Town Code #123-125 gives the town board the ability to grant more than one accessory building. You have two items, a special use permit request for a temporary structure and that he is now over one accessory building. The troubling thing is that he says he is possibly going to build something in the future. He?s using the truck box as a garage.

Councilmen Hawkins and Pluta stated they would like to see the 6.2? x 5.9? accessory building removed by May 1, 2008.

Town Attorney Downey stated that he reviewed the truck box issue and the code says this does not have to be a permanent structure. This would be a third structure and the Town Board has approval authority. If you give him a year, he may not do either, so you may want to make it a shorter time. If he doesn't remove it by then, the permit expires.

A motion was made by Supervisor Eagan and seconded by Councilwoman Maghran to approve a Special Use Permit for a Temporary Structure for an 8' x 20' truck box to be used as an accessory building at 7433 Lower East Hill Road for Jason Penfold with the following stipulations, the 6.2' x 5.9' accessory building shall be removed by May 1, 2008 and the 8' x 20' truck box shall be removed by February 6, 2009, failure to do so will repeal this approval.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Pluta to approve the soil removal permit from Dan Rychlik, 6014 West Tillen Road.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Pluta to refer the special permit for Co-Location of a Telecommunication Tower, MediaFlo USA, 8971 Zimmerman Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Pluta to approve the annual refuse licenses for Allied Waste Services of North America, Modern Disposal Services, Inc., NEI, and Waste Management of NY, LLC.

five (5) Ayes Carried

Received and filed a monthly report from the Assessor.

Supervisor Eagan noted that he met with Mark Gaston from Erie County Soil and Water to discuss the 18-Mile Creek bank erosion projects. He and Councilman Hawkins will meet with Legislator Reynolds and Mr. Gaston in the coming weeks for more discussion.

Supervisor Eagan stated that he met with the Town Engineer concerning the Trooper Barracks in regards to the archeological study being conducted by the State Historic Preservation Office. The town submitted plans noting where the Trooper Barracks, work area and roadway will be built. They agreed to a site specific archeological site review so we can proceed with the Trooper Barracks.

Supervisor Eagan noted that he had a meeting with Legislator Reynolds and Assemblyman Quinn and discussed future projects in our community.

Supervisor Eagan noted that a banner for the Southtowns Meals on Wheels program will be on display during the February 13th Channel 7 News weather segment with Mike Randall. The Southtowns Meals on Wheels program is looking for volunteers.

Town Clerk Shenk announced that the 2008 Town and County Tax bills will be mailed on or about February 15th. Also, Boston property owners may now access their Property Tax information on the Town web page. They will be able to view and print current year and history tax information. This was made possible by a grant received from NYS.

A motion was made by Councilwoman Dobson and seconded by Supervisor Eagan to authorize Town Clerk Shenk to include the information inserts with the tax bills.

five (5) Ayes Carried

Town Attorney Downey stated that 6892 Boston Cross Road was successfully demolished and cleaned up. He checked with Code Enforcement Officer Ferguson and was informed that the job was done well.

Councilman Pluta noted that he met with the Conservation Advisory Council and is learning a lot about the beautification of Boston and that he is working to obtain some grant/funding from the state to fix up the Boston Commons. He noted that he met with Highway Superintendent Telaak and was assured that the Highway Department would be more than willing to help out with that work.

Councilman Pluta stated his concern regarding the ruts left behind at the 6892 Boston Cross Road demolition site and asked if the property would be leveled out so that anyone who may walk through there won't be injured.

Town Attorney Downey stated that he would have to talk to Code Enforcement Officer Ferguson again. As far as he knew everything looked good.

Supervisor Eagan requested the Code Enforcement office look into this matter and report back the condition of the property at the next Town Board meeting on March 5, 2008.

Councilwoman Maghran noted that she is composing a letter to be mailed to town residents in regards to traffic safety concerns. Once that is done, she will call for a meeting of the Traffic Safety Committee.

Councilwoman Dobson stated she attended the Boston Emergency Squad Installation Dinner and congratulated all the new officers.

A motion was made by Councilwoman Dobson and seconded by Supervisor Eagan to appoint Susan Lindner and Lauren Cruse as Patchin Fire Police and will continue until such time as resignation, removal or replacement.

five (5) Ayes Carried

Councilman Hawkins noted that there was once again flooding at the Boston Post Office and on Pin Oak Drive. He notified Legislator Reynolds who assessed the flooding. A meeting will be set up to discuss how to resolve the issues at the Boston Post Office.

A motion was made by Councilwoman Dobson and seconded by Supervisor Eagan to adjourn the meeting at 8:14 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK