

## Town Board Minutes January 18, 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 and Town Attorney Downey and Deputy Code Enforcement Officer Lisowski.

Florence Wendling, St. John the Baptist Church opened the meeting with a prayer.

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson to create the position Code Enforcement Officer part-time.

five (5) Ayes    Carried

Councilman Mead commented that the position of Deputy Supervisor should be one of the Councilmen and be a non-paying position.

Councilman Hawkins commented that he was the last Deputy Supervisor, before he became a councilman, and a Deputy Supervisor who is not on the town board can attend events when the town board is in session.

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson to reinstate the position of Deputy Supervisor.

Councilmen Hopkins	Aye	Councilman Hawkins	Aye
Councilman Mead	Nay	Councilwoman Dobson	Aye
Supervisor Eagan	Aye		

four (4) Ayes    one (1) Nay    Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve the General Fund Transfer of Appropriations for the year 2006 as follows:

FROM: ACCT.

Appropriation	A 960	7,500.00	
Contingency	1990	7,500.00	
Total	7,500.00		7,500.00

TO: ACCT.

Appropriation	A 960	7,500.00	
Code Enforc-Pers. Svc.	3620.1	6,500.00	
Supervisors-Pers. Svc.	1220.1	1,000.00	
Total	7,500.00		7,500.00

five (5) Ayes    Carried

Supervisor Eagan appointed Sherrie L. Pluta to the position of Deputy Supervisor.

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson to appoint David M. Juda to the position of Code Enforcement Officer PT term to expire on December 31, 2006

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan to adopt the minutes of the January 4, 2006 regular meeting with the following corrections:

Page five Current Motion:

A motion was made by Councilman and seconded by Councilman to approve the following:

Corrected Motion:

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to approve the following:

Page thirteen Current Motion:

A motion was made by Councilman and seconded by Councilman to adjourn the meeting at 8:19p.m.

Corrected Motion:

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to adjourn the meeting at 8:19p.m.

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 12, 2006 in the amount of \$157,798.49 be paid.

five (5) Ayes Carried

Received and filed a resolution from the Erie County Legislature regarding the Eden Agricultural District (EC#2).

#### REQUESTS FROM FLOOR:

Andy Thurber, 6656 Liebler Road: I have a complaint about logs and a fire pit that is on town property and borders my property.

Mr. Thurber submitted pictures to the Town Board members of the fire pit.

Supervisor Eagan asked Mr. Thurber to give the name of the individual who is putting the logs there to Town Attorney Downey.

Mr. Thurber: Reilly is the neighbor.

Councilman Hawkins reconfirmed that this material was on town property and asked Deputy Code Enforcement Officer Lisowski if he had been made aware of this problem.

Deputy Code Enforcement Officer Lisowski stated that he did look at the situation but because nothing more was brought up about it, he did not think it was an issue.

Councilman Hawkins asked Deputy Code Enforcement Officer Lisowski to look into the situation again, find out who is putting the material there, and ask them to remove it.

Deputy Code Enforcement Officer Lisowski stated that he would issue a cease and desist.

Supervisor Eagan asked Town Attorney Downey to look into the situation as well.

Erie County Legislator Reynolds commented that he would be attending town board meetings in his district on a rotating basis. He hopes to have his district office running by February 1, 2006, but stated that if anyone had a problem, they could call him.

Erie County Legislator Reynolds stated a HEAP program would be held at the Boston Town Hall on March 31, 2006.

Terry Schutts, 7543 Valley Circle Lane commented that the ditches at the top of Route 277/Herman Hill Road are far beyond the capacity to take runoff.

Supervisor Eagan stated that Route 277 is a State Road.

At 7:45 p.m., a Public Hearing was held to consider the application from Ray Webber for a Special Permit for Dumping of Material at 7074 Boston State Road.

Supervisor Eagan read the legal notice and the memo sent to twenty-four neighboring property owners and the applicant notifying them of the hearing.

Supervisor Eagan read a letter was from Anna Sokolinski, 5470 Meadow Drive regarding the type of fill the applicant will be dumping.

David Bernas, 7083 Boston State Road, Larry Quirk, 7674 Boston State Road, Jim Carr, 7231 Boston State Road, and Gary Burdick, 6641 Holiday Drive attested to the credibility and character of Ray Webber and was in favor of the application.

Supervisor Eagan read a letter from the Erie County Department of Environment and Planning stating that they have reviewed the location of the existing sewer pipe located on this parcel.

Supervisor Eagan also noted that the Town Board is concerned where the fill was coming from.

Sue Quirk, 7674 Boston State Road: Ms. Quirk wanted to verify that the fax was received stating that the entire fill was coming from McKinley Mall.

Councilman Hawkins reviewed the intent and process regarding Special Permit Applications for dumping of material.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to close the public hearing at 7:56 p.m.

five (5) Ayes    Carried

At 7:57 p.m., a Public Hearing was held to hear comments to consider the application from Loren Bowers for a Special Permit for Dumping of Material at 8978 Boston State Road.

Supervisor Eagan read the legal notice and the memo sent to twenty-four neighboring property owners and the applicant notifying them of the hearing.

Loren Bowers, 8978 Boston State Road stated that he was receiving fill from the same site as Mr. Webber. The NYSDEC has inspected my property and you have received their letter.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to close the public hearing at 7:58 p.m.

#### REQUESTS FROM FLOOR CONT'D:

Karl Simmeth, 6678 Meadowbrook Drive. At the last Town Board meeting I attended, we passed the budget and included in it was a 3% raise for the councilman. I believe there were three councilmen against it. It was my understanding that this would be adjusted at the beginning of the year. Has it been?

Supervisor Eagan stated that the law states the Town Board has to print in October the salaries of the elected officials. By law, we cannot reduce the salary of an elected official. We can increase it, but not lower it. When elected officials salaries are advertised you cannot arbitrarily reduce it. It is written that way to not discourage an incoming elected official from taking office. The majority of the board agreeing to not take the 3% raise was not done on the record because we could not do it. There was never a vote because we could not reduce those salaries by 3 percent.

Karl Simmeth: So, the 3 percent raise did go through for the Town Board?

Supervisor Eagan: Based on the actions we took when you were here, that is correct.

Karl Simmeth: Except the supervisor?

Supervisor Eagan: I have not taken a raise in four years.

Karl Simmeth: Was there a salary set for the new Deputy Code Enforcement Officer Position?

Supervisor Eagan: Yes, it will come up under my report. I appropriated the funding out of Contingency. That fund now still has over \$70,000.

Supervisor Eagan requested Town Attorney Downey to confirm his position on his interpretation of what the state law is regarding reducing an elected officials salary after it has been publicized.

Town Attorney Downey noted that the town could only have one Deputy Code Enforcement Officer, so that position technically will be a Deputy Code Enforcement Officer Assistant.

Supervisor Eagan stated that this position has been qualified with the Erie County Personnel Office.

Supervisor Eagan Cont'd: We need to go to them when any job positions are created. To make sure that we have covered the entire basis on this, we will be asking the State for their opinion and the Association of Towns. I hope to be able to report on that at the next meeting.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to accept the Town Clerk and Town Justice Annual reports for 2005.

five (5) Ayes    Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to authorize the attendance of Zoning Board of Appeals member Praczkajlo in lieu of Councilman Hopkins to the Association of Towns Annual Training Conference February 18 - February 22nd.

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins to appoint Thelma Hornberger as Alternate Delegate at the Association of Towns Annual Training Conference.

five (5) Ayes Carried

#### RESOLUTION 2006-05 NEW DOG LICENSING SYSTEM

A motion was made by Councilman Mead and seconded by Councilman Hopkins to table the Use of Facility Application from St. John the Baptist Church for June 10, 2006 until further information is obtained.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilwoman Dobson to approve the application for use of facility from Recreation Director, Gary Vara for the Summer Concert Series for the following Tuesdays, June 13, 20, 27, July 4, 11, 25, August 1, 8 and 15, 2006.

five (5) Aye Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to authorize Supervisor Eagan to sign the Department of Senior Services Nutrition Program Contract for 2006 subject to Town Attorney Downey's acceptance.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to appoint Joseph O'Bryant and Tracy Hirsch to the Boston Emergency Squad and will continue until such time as resignation, removal, or replacement.

five (5) Ayes Carried

#### DEPARTMENT ANNOUNCEMENTS / ACTIONS

Received and filed Monthly Reports from the Supervisor, Town Justice, Dog Control Officers, Town Engineer, and Recreation.

Supervisor Eagan noted that the CDBG funding of \$226,606 has been approved for Rural Transit Service.

Town Clerk Shenk stated that he has solicited a proposal from General Code Publishing to put our Code Book onto the Town of Boston website. Initial set up and first years maintenance is \$2,050 with an annual fee of \$550 per year thereafter. The Town of Boston has already received grant money to fund the project. Town Clerk Shenk feels that this will reduce the annual publishing costs after a local law is adopted.

A motion was made by Councilman Mead and seconded by Supervisor Eagan on the recommendation of Town Clerk Shenk to put the Town of Boston Code Book onto the town's website with an initial set up and first years maintenance fee of \$2,050 with an annual fee of \$550 per year thereafter.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to accept the Town Clerk's Monthly Report for December 2005

five (5) Ayes Carried

Town Attorney Downey stated that he and Deputy Town Attorney Metzger responded to the Erie County Water Authority and the Zoning Board of Appeals Liberatore case and litigation is ongoing.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 8:19 p.m.

five (5) Ayes Carried

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DAVID J. SHENK, TOWN CLERK