

Town Board Minutes January 7, 2009

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

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

Rev. Ronald Sprehe, St. Martins Lutheran Church, opened the meeting with a prayer.

A motion was made by Councilman Hawkins and was seconded by Councilwoman Maghran to authorize Supervisor Eagan to sign and send a letter to Astor Boozer of the Natural Resource Conservation Service requesting Federal Assistance to assist with tree removal from Eighteen Mile Creek.

five (5) Ayes Carried

RESOLUTION 2009-03 2008-2009 LOCAL GOVERNMENT EFFECIENCY GRANT

A motion was made by Supervisor Eagan and was seconded by Councilman Pluta to amend the Town of Boston Personnel Work Rules to include the following: That no town vehicle or equipment shall be used for personal use without Town Board approval.

five (5) Ayes Carried

Supervisor Eagan directed Town Clerk Shenk to prepare revised copies of this policy and submit to all Department Heads, who should sign an acknowledgement of receipt.

A motion was made by Councilman Pluta and was seconded by Councilwoman Maghran to approve the Special Permit Application to Erect a Windmill with a maximum height of 50 feet from Robert and June Telaak, 7900 Feddick Road.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adopt the minutes of the December 17, 2008 regular meeting with the following correction:

Current Motion:

A motion was made by Supervisor Eagan and was seconded by Councilwoman Dobson to appoint Keith Clauss as a regular member of the Planning Board term to expire 2/01/2013.

four (4) Ayes Carried

Corrected Motion:

A motion was made by Supervisor Eagan and was seconded by Councilwoman Maghran to appoint Keith Clauss as a regular member of the Planning Board term to expire 2/01/2013.

four (4) Ayes Carried

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Hawkins, upon review by the Town Board, that fund bills on the Abstract dated January 2, 2009 in the amount of \$411,666.53 be paid.

five (5) Ayes Carried

Received and filed correspondence from the Buffalo Common Council in regards to Empire Zone Communities-Regionally Significant Projects.

Donna Lisowski, 8129 Boston State Road, requested guidance in regards to a drainage issue behind her house. She stated that this ditch is not on her property, but the house behind her is unoccupied. She stated after the last storm the ditch overflowed and Highway Superintendent Telaak came over and shoveled it out.

Councilman Hawkins noted that the ditch is on private property and is not the responsibility of the Highway Department to remedy the issue.

Town Attorney Downey noted that the town does not have the right to clean ditches unless it is directly related to the Highway. There has to be a certain tangential connection to it. If it is on private property, it may be what is called a public or private nuisance that may be an issue between homeowners. We are restricted as to what we can do.

Town Clerk Shenk stated that he would check the Assessor's system for a current owner and forward it to Donna Lisowski tomorrow.

Highway Superintendent Telaak noted that he was going to contact the local Boy Scout Troop and see if it could help her.

Larry Kucho, 5226 Glenn Terrace, stated that the people of Glenn Terrace are requesting that a stop sign be considered for the corner of Zimmerman and Mayer Roads. He distributed pictures of the intersection to the Town Board. He stated that as you are coming off of Mayer Road you need to pull up

about five car lengths and turn almost right toward Zimmerman Road to see if there is any traffic. If you are not familiar with the area you don't realize there is a stop sign. If you are coming off Zimmerman Road going north to make a left onto Mayer Road, no one would have a stop sign.

Larry Kucho Cont'd: He stated that he spoke with Erie County Legislator Reynolds who said Mike Asklar, County Engineer, would consider it. Larry Kucho believes there may have been some confusion because he was talking about a 4-way stop and it's just one stop sign. I know it's a county road, but I was told I had to present it to the Town Board first.

Councilwoman Maghran noted that she has requested this stop sign two times before.

Tony Zeniuk, 6540 Hillcroft Drive, commented in regards to a fallen tree into Eighteen Mile Creek on Hillcroft Drive. The tree is on his neighbor's property. He stated that if the water gets high again, it's going to lift the tree and take the bridge out. He feels that something needs to be done now before the cost increases.

Supervisor Eagan stated the most difficult thing is getting equipment in there this time of year.

The Town Board is working with Erie County Soil and Water and this situation is being considered an emergency.

Councilman Hawkins noted that there will be a meeting with Mark Gaston of Erie County Soil and Water on the 13th of January. He told Mark Gaston about the bridge concerns. He called Eastwood Industries for a quote. There may be a problem with easements.

Councilman Pluta stated that Erie County Legislator Reynolds, and Erie County Highway Department and are aware of this situation.

Tony Zeniuk stated that the gravel bed needs to be taken care of because it's destroying the whole area. He stated that eventually the creek is coming his way and taking more of his property and eventually it's going to take my boulders and it's going to miss the bridge.

Supervisor Eagan stated Erie County Soil and Water did a study of Eighteen Mile Creek bank erosion. He noted that he has had the local news, Congressman Higgins and Legislator Reynolds down there more than once asking for help. It's not this or any previous Town Board that has delayed any resolution to these problems. It is the other agencies we are forced to deal with. The Town of Boston had the largest number of priority erosion sites. They didn't complete any in 2008 because they sat on the application. When this report first came out, we secured \$10,000 to initiate the program. Last year we told Erie County Soil and Water that we would commit as much as \$50,000 to defer some of the cost that the taxpayer would otherwise have to pay. We see the seriousness of the problem, the County only sees the seriousness when the road on Back Creek is starting to fall. Supervisor Eagan stated that the paperwork is submitted. He stated that Erie County Soil and Water gets money on a regular basis through these grants for erosion issues.

Councilman Hawkins stated that he will keep Tony Zeniuk abreast of all developments on this issue.

A motion was made by Supervisor Eagan and seconded by Councilwoman Maghran to appoint the following:

APPOINTMENT	TITLE	TERM
Anna M. Kobialka	Deputy Town Attorney/Prosecutor, PT	12/31/09
William G. Ferguson	Code Enforcement Officer, PT	12/31/09
David J. Juda	Dep. Code Enforcement Officer, PT	12/31/09
Frank H. Lisowski, Jr.	Dep. Code Enforcement Officer, PT	12/31/09
Richard P. Waszak	Dog Control Officer, PT	12/31/09
Donna Huson	Dep. Dog Control Officer, PT	12/31/09
Gary E. Vara	Recreation Director, PT	12/31/09
Wendy S. Kummer	Court Clerk	12/31/09
John Sibenik	Court Officer, PT	12/31/09
Margaret M. Kreuder	Clerk, PT	12/31/09
Elizabeth Weitzel	Clerk, PT	12/31/09

Paula Litwin Clerk, PT 12/31/09
Suzanna Fitzner Assessment Clerk, PT 12/31/09
Thelma Faulring Secretary to Boards/Committees, PT 12/31/09
Theresa Horschel Nutrition Prog. Director, PT 12/31/09
Joyce Jensen Asst. Nutrition Director, PT 12/31/09
Leo Jensen Town Hall Laborer, PT 12/31/09
Joyce Carr Marriage Officer 12/31/09
Jacob Karb, III Liaison - Cobblehill Cemetery 12/31/09
William Sodja Town Hall Cleaner, PT 12/31/09

Supervisor Eagan made the following appointments:

William McGirr Deputy Town Supervisor 12/31/09
Julie A. Costello Assistant to Supervisor 12/31/09
Kathleen K. Selby Bookkeeper 12/31/09
Sherrie L. Pluta Town Historian 12/31/09

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Hawkins to establish the following Salary Schedule for 2009:

Position	Salary
Assistant to the Supervisor	29,750/Yr.
Bookkeeper	32,450/Yr.

Deputy Supervisor 1,000/Yr

Clerk, PT (2) 12.75 /Hr.

Court Clerk 29,750/Yr

Assessor, PT 29,110/Yr.

Motion Cont?d:

Assessment Clerk, PT 13,735/Yr.

Hwy Clerk, PT 13.15/Hr.

Town Attorney, PT 27,185/Yr.

Dep. Attorney/Prosecutor, PT 13,305/Yr.

Court Officer, PT 4,820/Yr.

Deputy Town Clerk 29,750/Yr.

Deputy Town Clerk, PT 13,735/Yr.

Deputy Town Clerk, PT (2) 12.75/Hr.

Secretary to Boards, PT 13.15/Hr.

Recreation Director, PT 14,780/Yr.

Code Enforcement Officer, PT 15,890/Yr.

Dep. Code Enforcement Officer, PT (2) 8,450/Yr.

Dog Control Officer, PT 9,115/Yr.

Dep. Dog Control Officer, Enumerator PT 4,020/Yr+\$1 per dog

Nutrition Program Director, PT 9.25/Hr.

Asst. Nutrition Program Director, PT 9.25/Hr.

Laborer, PT - Town Hall 12.30/Hr.

Cobblehill Cemetery Liaison 300.00/Yr.

Records Management Officer No Salary

Registrar of Vital Statistics 1/Yr.
Dep. Registrar of Vital Statistics 1/Yr.
Sub-Registrar of Vital Statistics (2) 1/Yr.
Marriage Officer No Salary
Town Historian 2,400/Yr.
Town Planner 2,100/Yr.
Cleaner, PT Town Hall 3,300/Yr.
Budget Director 2,500/Yr.

Highway Department

Per Collective Bargaining Agreement.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilwoman Maghran
to approve the following:

Set Payment of Salaries:

Bi-weekly to the Town Clerk, Deputy Town Clerks, Supervisor, Assistant to Supervisor, Highway Superintendent, Deputy Highway Superintendent, Bookkeeper, Court Clerk, Clerk PT, Assessor, Assessment Clerk, Secretary to Boards/Committees and M.E.O.'s, truck Drivers, and Laborers, all others are paid on a monthly basis.

Designate Official Bank:

North Boston Branch of the Evans National Bank for Supervisor, Town Clerk, Town Justices, Tax Collector, and Dog Control Officer.

Schedule Dates and Times for Regular Monthly Meetings and Agenda Review:

Town Board Meeting: First and third Wednesday of the month at 7:30 p.m. except July and August when one meeting will be scheduled.

Agenda Review: Monday before the first Wednesday of the month at 6:00 p.m., if this is a holiday the Agenda Review will be held the same day of the Town Board Meeting at 6:00 p.m. and the third Wednesday at 6:00 p.m.

Designate Official Newspaper:

The Springville Journal and the Hamburg Sun of H & K Publications.

Appointment to NEST Solid Waste Management Board:

Councilwoman Maghran

Alt. Patricia Thompson

Authorization of Surplus Monies:

Authorize the Supervisor and the Tax Collector to invest surplus monies.

Supervisor Eagan noted that the Tax Collector does not invest everyday town funds. He only invests tax money.

Investment policy:

Investment policy previously adopted by the Town Board where idle town monies may be invested, subject to any further regulation from the State Comptroller pursuant to Section 39 of the General Municipal Law as follows:

1. Obligations of Federal Government - Treasury Notes, Treasury Bills, etc.
2. Obligations of Federal Agencies Guaranteed by the Government.
3. Obligations of the State of New York
4. Certificates of Deposit in Commercial Banks, which are FDIC insured.

Cont?d:

5. Regular Savings Accounts, Money Market Accounts in Commercial Banks if proper securities are provided for all monies invested in excess of the amount secured by FDIC.
6. Tax Anticipation Note and Revenue Anticipation Notes of another municipality, district, corporation or school district, any other investments not listed will require prior approval by the Town Board and be in conformance of all state statutes.

The Town Supervisor will keep a record of all such investments and provide a report to all Town Board Members monthly.

Check Writer and Signature Stamp for the Supervisor:

Authorize the use of.

Rate Per Mile:

35 cents per mile.

Schedule the Annual Audit Meeting:

January 21, 2009 6 p.m.

Lending Funds:

Authorize the Supervisor to lend funds from one account to another.

Form and Sufficiency of the Bonds.

To approve.

Refuse Collectors Annual Licenses:

Direct Town Clerk to send letters to refuse collectors that annual licenses are due.

Workdays & Retirement Reporting (Part Time):

Assign the following to be reported by New York State Retirement purposes for elected and appointed Town Personnel with six (6) hours being designated as a workday:

Town Justices Councilman

Supervisor Deputy Supervisor

Code Enforcement Officer Deputy Code Enforcement Officer

Town Attorney Dep. Town Attorney/Prosecutor

Cont?d:

Recreation Director Summer Recreation Supervisor

Assessment Clerk Town Hall Cleaner

Dep. Town Clerk (pt) Assessor

Dog Control Officer Dep. Dog Control Officer

Court Officer

Work Days & Retirement Reporting (Full Time):

Assign the following work days to be reported by New York State Retirement purposes for elected and appointed Town Personnel as full time based on a seven (7) hour workday for New York State Retirement purposes:

Town Clerk Deputy Town Clerk

Superintendent of Highways Deputy Highway Superintendent

Bookkeeper Assistant to Town Supervisor

Court Clerk

Public Improvement Specifications:

Approve.

Petty Cash Funds:

Town Clerk \$300

Town Justice \$200

five (5) Ayes Carried

RESOLUTION 2009-01 PROCUREMENT POLICY

A motion was made by Councilman Hawkins and seconded by Supervisor Eagan to set the following 2009 Holidays for the Town of Boston:

New Year's Day	Jan 1	Election Day	Nov 3
Martin Luther King	Jan 19	Veteran's Day	Nov 11
President's Day	Feb 16	Thanksgiving Day	Nov 26
Good Friday	April 10	Day after Thanksgiving	Nov 27
Memorial Day	May 25	Christmas Eve	Dec 24 (½ day)
Independence Day	July 3	Christmas Day	Dec 25
Labor Day	Sept 7	New Year's Eve	Dec 31 (½ day)
Columbus Day	Oct 12		

Motion Cont?d:

This holiday schedule does not apply to Highway employees. Refer to Collective Bargaining Agreement.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the 2009 Boston Free Library Depository Lease Agreement in the amount of \$1,000 and authorize Supervisor Eagan to execute the same.

five (5) Ayes Carried

Councilman Pluta suggested that a lower fee be set for special permit for dumping of material that comes from within the town of Boston.

Supervisor Eagan suggested that the Schedule of Fees be adopted as is. After the Code Book is updated then the Schedule of Fees can be amended at that time.

Councilwoman Dobson and Town Clerk Shenk agreed that the dog fee schedule should also be reviewed. Town Clerk Shenk will produce a comprehensive list of fees.

RESOLUTION 2009-02 ADOPT SCHEDULE OF FEES

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to authorize Supervisor Eagan to enter into a contract with Connie D. Miner & Co., Grant Consultants for a fee of \$15,000, term to expire 12/31/10.

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson to approve the following as Friday Night Recreation staff starting January 1, 2009 with terms to expire on April 1, 2009.

Cody Mule? Counselor \$8.00 per hr.

five (5) Ayes Carried

Supervisor Eagan made the following Town Board 2009 Liaison appointments:

Councilman Hawkins - Drainage, Insurance, Boston Community Foundation, Haz-Mat.

Councilwoman Dobson - Parks & Recreation, Fire Companies, Emergency Squad, Fireman's Benefit Program, Investment Advisory Committee, Nutrition Program.

Cont'd:

Councilwoman Maghran- Street Lighting, Planning Board, Solid Waste, Traffic Safety & Highways, Christmas Lighting.

Councilman Pluta - Cable TV, Chamber of Commerce, Conservation Advisory Council, Senior Citizens.

Supervisor Eagan made the following Town Board 2009 Committee appointments:

AUDIT COMMITTEE Town Board Members

TRAFFIC SAFETY & ROADWAYS Chairman - Councilwoman Maghran, Sgt. Joseph Wilkinson, Chief Scott Patronik, Hwy Supt. Telaak

INSURANCE Chairman - Councilman Hawkins, Town Attorney Downey, Supervisor Eagan, Town Clerk Shenk

INVESTMENT ADVISORY Chairman - Councilwoman Dobson, Town Attorney Downey, Town Board, Mark Flaherty, Designated Representatives of Boston, N. Boston & Patchin Fire Companies

SOLID WASTE & REFUSE Chairman - Councilwoman Maghran, Town Attorney Downey, Supervisor Eagan, Town Clerk Shenk

INSPECTION Code Enforcement Officer Ferguson, Deputy Code Enforcement Officers Lisowski & Juda, Town Board

CABLE TV Chairman - Councilman Pluta, Councilman Hawkins, Supervisor Eagan, Town Attorney Downey, Mark Flowers

DRAINAGE Chairman - Councilman Hawkins, Hwy Supt. Telaak, Philip Lakso

ZONING REVIEW Town Planner Brox, Town Attorney Downey, Councilwoman Maghran, Code Enforcement Officer Ferguson, Deputy Code Enforcement Officers Lisowski & Juda, Patricia Hacker, Ralph Gibson, Deputy Supervisor McGirr

SAFETY Town Clerk Shenk, Hwy Supt. Telaak, Councilwoman Maghran, Sean Crotty, Mark Flowers, Raymond Worth, Frank Yandura, Supervisor Eagan

RECREATION Chairman ? Councilwoman Dobson, Hwy Supt. Telaak, Recreation Director Vara, Jennifer Trimm, Lori Pfluger, Jim Roistracher, Lorinda Koczur, Deanna Newberry, Beverly Hogan, Scott Howie, Connie Miner

RECORDS Chairman - Town Clerk Shenk, Supervisor Eagan , Deputy Town Clerk Schwanz, Leo Jensen

DEFERRED COMPENSATION Chairman ? Bookkeeper Selby, Supervisor Eagan, Deputy Town Clerk Mulé, Councilwoman Dobson

CAPITAL IMPROVEMENT Supervisor Eagan, Councilwoman Dobson, Connie Miner, Councilman Hawkins, Ralph Gibson, Dr. Norman Hertz, Town Attorney Downey

BOSTON SENIORS - GROUP #1 President - Lois Lizak, Theresa Gresco, Philomena Saeli, Pearl Emerling, Art May, Gloria Collett, Greg Hahn, Erma Kern, Florence Weiss Rosa

YOUNG AT HEART - GROUP #2 President - Joyce Carr, Vice Pres.- Ginnette Billittere, Secretary - Betty Cunningham, Treasurer - Larry Steward, Membership - Mary Lou Woodhouse, Sunshine - Jean Ruchalski, Bocce - Val Bezilla

five (5) Ayes Carried

Supervisor Eagan stated there is a stimulus package that President Elect Obama is proposing to help fund primarily urban areas for infrastructure, traffic and other transportation issues. Erie County, the City of Buffalo, the University of Buffalo and Buffalo Niagara Partnership are submitting recommendations from all participating municipalities. He stated that a list was comprised of top priorities and asked for \$5.7 million for Water District #2, Ext. 2, Water District #2, Ext. 3, and Water District #3. He also emphasized that that project has been designed and is ready to go to bid. He also requested \$1 Million for the Eighteen Mile Creek stabilization project and \$300,000 for the removal of log jams along Eighteen Mile Creek.

Supervisor Eagan also noted that a shared municipal grant was awarded in the amount of \$217,000 for a new street sweeper. Until a Municipal Agreement between the five communities is agreed upon and signed, the sweeper can not be purchased.

A motion was made by Supervisor Eagan and was seconded by Councilman Pluta to schedule a bid opening to Furnish and Install One (1) New 2008 or Newer One Ton Type Dump Truck Body January 28, 2009 at 10:00 a.m.

five (5) Ayes Carried

Highway Superintendent Telaak noted that he still has the pile of surplus wood at the Highway Department and would like to know what the Town Board wants to do with it.

Deputy Code Enforcement Officer Lisowski stated that the HEAP program has vouchers for firewood. He stated that there may be some low income households that could use the wood.

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins to allow Highway Superintendent Telaak to dispose of the surplus wood as he sees fit if nothing is confirmed from Erie County HEAP by the next regular scheduled Town Board meeting.

five (5) Ayes Carried

Highway Superintendent Telaak inquired about the surplus leaves that were picked up this past fall.

Supervisor Eagan stated that he doesn't have any objections on how he disposes of it as long as it complies with the law.

Highway Superintendent Telaak stated they could be hauled to the Orchard Park composting facility for a fee.

Councilman Pluta noted a resident near the Hamburg/Eden border may take leaves.

Supervisor Eagan stated that if Highway Superintendent Telaak can not find someone who wants them, he can do what he sees fit.

Highway Superintendent Telaak noted that there are a lot of trees on private property that are leaning into the wires on the town right-of-way. He stated that he spoke with the Town Board a while ago about trying to pass a Local Law to have the trees removed and charge the homeowner. Some of these spots are on Keller, Boston Cross, Shero and Boston State Roads.

Supervisor Eagan asked Highway Superintendent Telaak if he would give a copy of the Hamburg local law to Town Attorney Downey for review.

Councilman Pluta asked if the Town Board was looking to form an ethics committee.

Supervisor Eagan stated this was brought to his attention and asked Town Attorney Downey to confirm that and report back to the Town Board at the next scheduled meeting.

Councilwoman Maghran noted that the Planning Board has started the interview process for a Planning Consultant. She noted that the January 13th Planning Board meeting has been cancelled.

PROCLAMATION JOHN MICHAEL PETERSON, II - EAGLE SCOUT

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 8:44 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK