

Town Board Minutes July 12, 2006

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

Also Present: Highway Superintendent Telaak, Deputy Town Attorney Metzger, Code Enforcement Officer Ferguson, Deputy Code Enforcement Officer's Juda and Lisowski and Deputy Supervisor Pluta.

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

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins that due to a problem with the notices to the neighboring property owners, the "Commercial Zoning Application Pending Sign", and to afford the Planning Board more time to review the Rezoning Application, the Public Hearing of the Rezoning Application from C-1 to C-2 from Mark Henneberg, 8964 Boston State Road, Proposed Local Law No. 1 ? 2006 is rescheduled to August 9, 2006 at 7:50 p.m.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins that due to a problem with the notices to the neighboring property owners, the Public Hearing of the North Boston Fire Company for a Special Permit for Dumping of Material at vacant land on Herman Hill Road is rescheduled to August 9, 2006 at 7:45 p.m.

five (5) Ayes Carried

PROCLAMATION ? WILLIARD JENSEN 90TH BIRTHDAY

A motion was made by Councilman Mead and seconded by Councilman Hopkins to approve The Use of Facility Application for Boston Recreation for August 4, 2006.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to accept the quote from Ruh Construction for the immediate complete emergency repair of the Town Hall front steps along with the non-slip adhesive stripping for a cost of \$750.00.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins to adopt the minutes of the June 21, 2006 regular meeting.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adopt the minutes of the June 19, 2006 Agenda Review meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins, upon review by the Town Board, that fund bills on the Abstract dated July 6, 2006 in the amount of \$241,140.52 be paid.

five (5) Ayes Carried

A letter from Keith Kaszubik, 5550 Maple Grove Drive dated June 30, 2006 requesting installation of a receiver on Maple Grove Drive to aid drainage was referred to Highway Superintendent Telaak. A report to the Town Board is requested.

Received an acknowledgment from Erie County Legislator Reynolds of receipt of Town of Boston Resolution 2006-17 in Opposition of the Erie County Proposed 4-Year Plan.

REQUESTS FROM THE FLOOR

Donald Frydrych, 5674 Herman Hill Road, noted that the North Boston Fire Company has been dumping material on the vacant lot next door to him on Herman Hill Road without a permit.

Supervisor Eagan responded that he believes that the North Boston Fire Company was not aware that they needed a permit because they were bringing in fill from within the community. Once informed by Code Enforcement that they needed a permit they ceased dumping until the permit is granted.

Donald Frydrych responded that they were dumping all day yesterday.

Code Enforcement Officer Lisowski was directed to take photographs of the North Boston Fire Company site and contact the North Boston Fire Chief.

Joseph Antos, 5554 Northside Drive commented that last year he complained to the Town Board about his neighbor's garbage in front of his property and was asked to wait until the neighbor returned from his winter vacation to see if the problem continues. It is continuing.

Councilman Hawkins responded that he would address the problem tomorrow.

Ronald Sargent, 8872 Maurice Court presented the Town Board with a map of drainage problems in the Hickory Meadows Subdivision, specifically Maurice Drive and explained the current situation.

Supervisor Eagan responded that there is an agreement with the Emerlings and the Town Engineer to attempt to rectify the drainage problems as a team. The Emerling's Engineer, the Town Engineer and National Grid are working together to resolve this issue.

Highway Superintendent Telaak noted that the National Grid powerline site is one problem but does not affect the ditch Mr. Sargent is referring to. The ditch behind his house should be cleaned out right away because of all the water in his back yard. It is the Emerlings responsibility to fix the shoulders, clean the ditches and culverts before the Town can accept and maintain them.

Santo Tricarico, 8879 Pearl Street noted that he supports Ronald Sargent and commented that if the Emerlings hold to the approved Planning Board agreement for open ditches there would be no recourse for the homeowners. We've been patient and we're waiting for a solution before we take it to a higher level.

Supervisor Eagan invited Keith Kaszubik, 5550 Maple Grove Drive, to address the Board regarding his letter in the media that the town hasn't responded to his letters.

Keith Kaszubik responded that he prefers his communication in writing and asks that his name be pronounced correctly.

Supervisor Eagan commented that Mr. Kaszubik's remark in a recent article stating that,

"A person asking anything of this government without having the money to influence is ignored" is a total insult. All of his correspondence was received and answered. He directed Town Clerk Shenk to hand Mr. Kaszubik copies of all responses and noted that if he isn't receiving his mail he can receive his correspondence by hand. The press will receive a copy of his letters and the responses. Mr. Kaszubik claimed I could not be contacted, but during a recent visit to the Town Hall was unaware that I was across the hall and left without leaving a message. Mr. Kaszubik leaves phone messages without a request for a return call or a phone number. We have a great working Town Board, Highway Superintendent and Code Enforcement Office that address issues immediately. He challenged Mr. Kaszubik to prove that money has ever influenced this Town Board.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins, on the recommendation of Recreation Director Vara, to appoint the following to the Summer Recreation Program, term retroactive to 7/5/06 and to expire 8/31/06:

NAME TITLE HOURLY WAGE

Whitney Bender Arts & Crafts \$7.00 per hr.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins to approve The Use of Facility Application for Chet & Pat Rosinski for August 12, 2006.

five (5) Ayes Carried

Deputy Code Enforcement Officer Lisowski reported that regarding the Sprague Mobile Home Park License, owner Richard Boyd has not requested a re-inspection. As requested the inspection report and recommendation will be submitted to the Town Board.

Richard Boyd, owner of Sprague Mobile Home Park, noted as he did at a previous meeting, that the job of Code Enforcement is to make a recommendation of approval or denial of the license.

Supervisor Eagan directed Mr. Boyd to contact Code Enforcement for a re-inspection.

DEPARTMENT ANNOUNCEMENTS / ACTIONS

Received and filed Monthly Reports from the Supervisor, Tax Collector, Justice Court and Dog Control Officers.

Supervisor Eagan announced that a NYS Parks Recreation and Historical Preservation grant for \$50,000 toward building soccer fields and a walking park has been received. In an effort to save money I have been in communication with Operating Engineers Local 17 to use this site for apprentice work to build the driveway and parking areas.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to accept the Town Clerk Monthly Report for June 2006.

five (5) Ayes Carried

Town Clerk Shenk announced that a Records Management Grant for \$11,777 to improve active records in the Assessor's Office has been received.

Highway Superintendent Telaak reported that blacktop work was done on Keller Road. Portions of the Town Park driveway and parking lot were paved with the help of the Town of Eden paver and operators, which saved the town money. Eden will use our roller when they pave their roads. The price of blacktop is over a \$1,000 a truckload this year. \$4,000 was spent on Keller Road and \$4,000 was spent in the Town Park.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to appropriate up to \$6,000 to the Parks Department Budget for additional paving.

five (5) Ayes Carried

Supervisor Eagan noted that the funds for this appropriation would come from either the buildings or contingency budget.

Highway Superintendent Telaak reported that the oil and stoning of some roads along with work on Rice Road would begin later this month.

Deputy Town Attorney Metzger reported that regarding the Kempa vs Town of Boston Notice of Motion requesting leave to serve a Late Notice of Claim, either Town Attorney Downey or Counsel from our insurance carrier would cover opposition to this claim.

Councilman Hawkins reported that he has been working on drainage issues with National Grid on Greenbriar Terr. near the Boston Square Apartments and North Boston Market.

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson to adjourn the meeting at 8:17 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK