

## Town Board Minutes July 15, 2009

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

Also Present: Town Attorney Downey and Code Enforcement Officer Ferguson.

A motion was made by Councilwoman Maghran and was seconded by Councilman Pluta to schedule a Public Hearing for September 2, 2009 at 7:45 p.m. for the request for rezoning from Single-Family Residence District (R-2) to Residential-Agricultural District (R-A), 6800 West Tillen Road, William and Suzanne Williams to make and sell maple syrup.

five (5) Ayes    Carried

Councilwoman Maghran noted that Mrs. Williams has a variance pending and asked if there were a possibility of having the public hearing in August.

Town Clerk Shenk noted that Town Attorney Downey is out of town and he must prepare a local law before Town Clerk Shenk can publish the legal notice. This won't be able to happen in time for the August 5, 2009 meeting.

A motion was made by Councilwoman Maghran and was seconded by Supervisor Hawkins upon the recommendation of the Planning Board to approve the site plan submitted by Donald Buckley, 8038 Boston State Road, for Buffalo Buck's Smokehouse Restaurant pending the following issues being addressed and completed and meet the approval of the Code Enforcement Officer:

- 1) Installation of a dumpster and enclosure
- 2) Installation of a buffer on the adjoining residential, south side of the property

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Pluta upon the recommendation of the Planning Board to approve the site plan submitted by Dana Darling, 7074 Boston State Road, for Phase 2, Building A and Building B, contingent upon the following issues of Phase 1 being completed:

- 1) Installation of a fence
- 2) Landscaping
- 3) Installation of a flag pole
- 4) Rip rap to be completed on 5 foot pipe
- 5) Dumpster gate installed
- 6) Acceptance by the Town Engineer of the entire Phase 2 Plan

five (5) Ayes Carried

A motion was made by Councilman Pluta and was seconded by Supervisor Hawkins to direct TVGA Engineers to prepare specs for the drainage issue on Boston Cross Road.

five (5) Ayes Carried

A motion was made by Supervisor Hawkins and seconded by Councilwoman Maghran to approve the minutes of 06/17/09.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilwoman Dobson, upon review by the Town Board, that fund bills on the Abstract dated June 10, 2009 in the amount of \$409,499.57 be paid.

five (5) Ayes    Carried

Received and filed NYS liquor license renewal from Boston Deli Inc.

Received and filed Resolution from the Town of Aurora in regards to the West Valley Nuclear Waste Site Clean up.

Received and filed Resolution from the Town of Alden in regards to small municipalities contracting with NYS to purchase road salt from state bid.

Supervisor Hawkins referred this resolution to Town Attorney Downey so that he may prepare a similar Resolution for the Town of Boston.

Robert Rudney, 6910 Pin Oak Drive, noted that with the rains on Saturday there is a 30- inch culvert clogged up with shale. He noted that he did open up the culvert with a shovel, but the North side, from the power line to the turnaround there is a 12-inch culvert that has been clogged for 15 years. He asked when can this culvert be removed and return to an open drainage ditch? He doesn't want to have to bring the shale to the road anymore. Both sides of the road were open ditches when he built there and the water flowed well.

Highway Superintendent Telaak noted that area will be looked at this week.

Councilwoman Maghran noted there are other Pin Oak Drive residents with similar issues.

Bill Burgin, 6891 Pin Oak Drive, noted that the Town of Boston does not have the ability to control the gravel coming down Pin Oak Drive. A better way to control the gravel flow needs to be developed. This has been talked about over and over. Town Engineers and Highway Superintendent Telaak have been out there and Supervisor Hawkins lives there.

This has to be taken care of. He noted his property has been flooded over and over again, and Highway Superintendent Telaak has already done work there.

Supervisor Hawkins noted that he spoke with National Grid today and noted that they have replaced all the pipes with 5-foot culverts. They assured us they would install trash racks at the top of Pin Oak Drive to hold the shale back, but not until September.

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Maghran to accept the resignation of David Ruzzine from the Planning Board.

five (5) Ayes    Carried

A motion was made by Councilman Pluta and was seconded by Supervisor Hawkins to accept the resignation of Patricia Thompson from the Conservation Advisory Council.

five (5) Ayes    Carried

#### RESOLUTION 2009-16    NYS UNIFIED COURT SYSTEM JUSTICE COURT ASSISTANCE PROGRAM

A motion was made by Councilman Pluta and seconded by Councilwoman Maghran to appoint Barbara Zemla and Kathryn Goricica to the Boston Emergency Squad and will continue until such time as resignation, removal, or replacement.

five (5) Ayes    Carried

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Maghran to adjust the salaries of all employees currently at \$7.15 to \$7.25 to coincide with the new Federal minimum wage effective July 24, 2009.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilwoman Dobson to table the Planning Board Appointments due to the fact that additional applications have been received and that all new applications be referred to the Planning Board for interview at its August 11, 2009 meeting.

five (5) Ayes Carried

A motion was made by Supervisor Hawkins and seconded by Councilwoman Maghran to approve the Use of Facility Application for Alicia Goris for July 26, 2009.

five (5) Ayes Carried

A motion was made by Supervisor Hawkins and seconded by Councilwoman Maghran to approve the Use of Facility Application for Boston Girls Softball for May 26 ? July 25, 2009 and Boston Youth Baseball for July 24th and July 25th for a joint banquet with Girls Softball.

five (5) Ayes Carried

A motion was made by Supervisor Hawkins and seconded by Councilman Pluta to approve the Use of Facility Application for Boston Patriots Football and Cheerleading for 8/1/09 ? 11/1/09.

five (5) Ayes Carried

Received and filed the recommendation from Nussbaumer and Clarke for the East Hill Water District No. 3 water line improvements projects.

The following bids were received:

Fairway Contracting	\$2,039,756.18
J.D. Northrop Construction, Inc.	\$2,061,280.00
New Frontier Excavating and Paving	\$2,213,776.00
E&R General Construction, Inc.	\$2,225,015.00
Sicar, Inc.	\$2,228,409.00
D&H Excavating, Inc.	\$2,311,024.00
Man O'Trees, Inc.	\$2,423,000.01
Kandey Company	\$2,461,000.00
Mar-Wal Construction Co. Inc.	\$2,633,906.00
Visone Construction, Inc.	\$2,636,325.00

A motion was made by Councilman Pluta and seconded by Councilwoman Dobson to award the Increase of Facilities to Water District No. 3 Project to Fairway Contracting in the amount of \$2,039,756.18 and authorize Supervisor Hawkins to sign the notice of award contingent upon final approval from US Rural Development.

five (5) Ayes Carried

A motion was made by Supervisor Hawkins and was seconded by Councilman Pluta upon the recommendation of Code Enforcement Officer Ferguson to approve the license for Boston Hills Homes and Estates Mobile Home Park, contingent upon compliance with the June 5, 2009 inspection report. The license will be effective July 1, 2009 through June 30, 2010.

five (5) Ayes Carried

Received and filed monthly reports from the Supervisor, Town Clerk, Tax Collector, Code Enforcement Officers and Dog Control Officers.

Supervisor Hawkins noted that with the awarding of the Water District No. 3 project he will be contacting Fairway Contracting to find out when they will begin. He also noted that for the 8 or 9 homes just outside Water District No. 3, he will be looking into the possibility that they may receive water.

Supervisor Hawkins noted that there were drainage issues on Saturday and Legislator Reynolds came out and took pictures of the Hillcroft Drive Bridge. He noted there are two projects taking place on Hillcroft Drive and Back Creek Road for the Eighteen Mile Creek renovation. The cost of one of those projects is about \$240,000 and the other is approximately \$300,000, which is funded by stimulus money, homeowner contributions and Erie County Soil and Water. Most of these problems are the responsibility of the homeowner, but the town will do whatever possible to help this situation. Supervisor Hawkins stated that he will be setting up a meeting with all the homeowners in that area in hopes of developing some work projects that entail cutting some of those trees up to clear the waterways. The stumps from those trees make for good bank stabilization. National Grid has been contacted in regards to drainage issues that have affected the Hickory Meadows Subdivision. We are working on getting the trash racks and retention ponds up on the power line.

Highway Superintendent Telaak noted that although there are still areas with drainage issues, there were no flooding problems on Hillcroft Drive because of the work done last year. There was a lot of shale and sticks that plugged the pipe on Dunn Road. He stated that if we can get permission from Doctor Hornberger to install some very large rock from where the water crosses the road to the other side it should totally stop the shale problem we have on that short section. The shale isn't coming from the power line; it's coming from above the Rudney property. We have to either install some large rock or build a gravel dam and obtain an easement to be able to clean it. Highway Superintendent Telaak stated he will obtain prices and will measure the distance. We will probably have to hire a contractor. We will also check the pipe on the other side of the road.

Robert Rudney: When I moved in, there was an open ditch, on the north side of Pin Oak Drive, from the power line to the little turnaround. The water came down that side at that turn around and went into the valley. You can see there is a path that goes all the way down and ends up in Eighteen Mile Creek. That is where it was originally going. But sometime it went thru proposed building sites where I think they wanted to divert the water.

Highway Superintendent Telaak: We will check and get some water to go down the north side of that road.

Robert Rudney: That 12 inch culvert has to come out. At one time a fire company came out and flushed it out with high pressure water. But the next rain storm filled it again.

Highway Superintendent Telaak: There is a driveway right below that point. You are going to have a culvert for the driveway.

Robert Rudney: That's just for the driveway.

Highway Superintendent Telaak: If the water can go through the culvert for the driveway we can make the water the rest of the way. We will definitely come up and work on it. The next few weeks we are busy stoning and paving, so hopefully we won't have any major rain before then.

Councilwoman Dobson noted that she participated in a live burn with Patchin Fire Company. She also noted that she will be setting up a meeting with the town engineer to look at having the tennis courts improved. The build date for the North Boston playground will be August 16th at 8 a.m., rain or shine and will continue for most of the day. There will be two new sections. One will be for 2-5 year olds, and the other for 5-12 year olds. Anyone willing to help will, please call her cell at 445-1356 or home at 941-0086.

Councilman Ruzzine noted that the Planning Board really does have the best interest of the Town of Boston in mind. They do a good job at trying to keep our town quaint and taxes down. Councilman Ruzzine noted that one of his duties on the Town Board is drainage and that he is going to map out all the problem areas in Town. One by one we are going to eliminate these problems and see what kind of help we can get.

Condolences were expressed to the Hawkins family for the passing of Roger Goldsmith, and to the Emerling Family for the passing of Maury Emerling.

A motion was made by Supervisor Hawkins and seconded by Councilman Pluta to adjourn the meeting at 8:07 p.m.

five (5) Ayes

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DAVID J. SHENK, TOWN CLERK