

## **Town Board Minutes July 20, 2005**

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Karl J. Simmeth Jr., Dennis J. Mead, and Supervisor William A. Eagan.

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

RESOLUTION 2005-17 APPROVING THE ADOPTION OF USDA RESOLUTION WITH REGARD TO TOWN OF BOSTON WATER DISTRICT #3 SERIES 2005B.

RESOLUTION 2005-18 APPROVING THE ADOPTION OF USDA RESOLUTION WITH REGARD TO TOWN OF BOSTON WATER DISTRICT #3 SERIES 2005C.

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan to adopt the minutes of the June 15, 2005 regular meeting.

five (5) Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth upon review by the Town Board that fund bills on the Abstract dated July 14, 2005 in the amount of 500,199.22 minus voucher #448 in the amount of \$13,500 for a new total of \$486,699.22 be paid.

five (5) Carried

Received and filed Resolution from the Town of Brant regarding Pension Plan Reform.

Received and filed notification of a Liquor License Application from McGirr's Patchin Place.

Received and filed notice of public hearing regarding Eden Agricultural Districts.

Received and filed letter from Daniel Hurtubise, 6766 Omphalius Road regarding the reval.

#### REQUESTS FROM THE FLOOR

Deanna Newberry, 6069 Thornwood Drive: In November of 2004 the Highway Department fixed my backyard and did a wonderful job. Prior to the work I spoke with Former Highway Superintendent Poore and asked if the back part of my fence needed to be removed before the work was done. He told me no. While they were working on the fence, an excavator was driven into the fence, damaging it. The lowest estimate I received for repair was \$362.65. However, I was told to get this bill paid I had to bring it before the Town Board.

Councilman Hawkins stated that this was discussed at the agenda review and Ms. Newberry said that she would pay half of the bill if the town paid the other.

Deanna Newberry: We did discuss that, however, my husband and I didn't realize that the damage included the top rail as well.

Supervisor Eagan stated that there was no objection from the Town Board but we would look into getting additional quotes.

Councilman Simmeth commented to Mrs. Newberry that the town would pay for the repair, but would use the lowest bid.

Supervisor Eagan asked Mrs. Newberry if Former Highway Superintendent Poore had signed a temporary easement form and if so, could he get a copy of it.

REQUESTS FROM THE FLOOR (CONT):

Deanna Newberry: Yes.

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth to get additional quotes for the fence repair. If no lower bids are received, the quote of \$362.65 will be used.

five (5) Carried

A public hearing was held at 7:40 p.m. to hear comments regarding the application from Richard H. Hayden, Jr. DBA Couzins of WNY, LLC, for a special permit for live entertainment at 7115 Boston State Road.

Supervisor Eagan read the legal notice. He noted that 63 neighboring property owners and the applicant were notified of this hearing.

Supervisor Eagan read a letter from Patricia Needell, 7123 Boston State Road commenting on the application from Richard H. Hayden for special permit for live entertainment.

Donna Huson, 7104 Boston State Road: I question as to why Mr. Hayden needs entertainment until 2:00 a.m. on a Thursday. I can see 11 o'clock during the week. He's done a wonderful job keeping everything quiet.

Larry Mills, 5582 Ripple Drive: I am one of the residents near Couzins and I have to admit that the noise and crowd control has been much improved. I think that Mr. Hayden has done a good job as long as the music stops when it's supposed to.

Councilman Hawkins asked Mr. Hayden to respond to part of the letter written by Patricia Needell.

Rick Hayden: Thursday night is open mic and we invite other musicians to come down and play. All different kinds of musicians can come up and play. "Bouncin off The Walls" will fill in between the breaks.

Supervisor Eagan: In past negotiations you told us that you weren't going to have a band after July 16. What are your plans for live music starting in the fall?

Mr. Hayden: Just Saturday nights. Thursday nights the band will stop before midnight because I have my clocks set 15 minutes fast.

Councilman Simmeth asked Mr. Hayden if he moved the stage.

Rick Hayden: The stage will be moved to the back wall before the bands start in the fall.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to close the public hearing at 7:51 p.m.

five (5) Carried

#### REQUESTS FROM THE FLOOR (CONT):

Larry Mills, 5582 Ripple Drive: In follow up to the Re-Val, I had requested some questions to the board about six weeks ago as far as what the final cost to TSL was to Boston and what changes there were as far as the numbers of property changes. Have those numbers been collated?

Supervisor Eagan: That has not been done, but we did agree to schedule a meeting with TSL representatives and the Assessor for September 19. When that meeting is over we should have final answers to those questions.

Councilman Mead: We held final payment to TSL until we get all that information.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to give Richard May until August 31, 2005 to perform the demolition of the unsafe building at 8075 Feddick Road.

five (5) Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan to approve the Use of Facilities application from Rachael's Attic Sales, July 30 & 31, 2005 contingent upon receiving a site plan for parking, Family Readiness Group, September 18 and Boston Little League Baseball/Softball July 30.

five (5) Carried

RESOLUTION 2005-13 AUTHORIZING FILING OF APPLICATION FOR STATE GRANT-IN-AID FOR MUNICIPAL WASTE REDUCTION AND/OR RECYCLING PROJECT AND SIGNING OF ASSOCIATED STATE CONTRACT, UNDER APPROPRIATE LAWS OF NEW YORK STATE

A motion was made by Supervisor Eagan and seconded by Councilman Mead to table Resolution 2005-14, Pension Plan Reform for further review.

five (5) Carried

RESOLUTION 2005-15 ACCEPTANCE OF WATER DISTRICT #3, EAST HILL WATER STORAGE AND IMPROVEMENTS

RESOLUTION 2005-16 ERIE COUNTY WATER AUTHORITY AS THE CERTIFIED OPERATOR FOR WATER DISTRICT #3.

Referred a Special Use Permit Application from Patchin Fire Company, P.O. Box 173 requesting to build a live burn and training facility at 8333 Boston State Road to Town Attorney Vacco for further review and comment.

five (5) Carried

Town Clerk Shenk stated that Code Enforcement Officer Kramer recommended the approval of a request for an additional accessory building from Catherine Cherry Myers at 6405 Ward Road.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to table the request for an additional accessory building from Catherine Cherry Myers at 6405 Ward Road for further review.

five (5) Carried

A motion was made by Councilman Hawkins and seconded by Councilman Hopkins to refer the application of John Less for a 3-lot subdivision to the Planning Board for review and recommendation.

five (5) Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the Boston Hills Homes and Estates License, which will expire on June 30, 2006.

five (5) Carried

Councilman Mead requested Town Clerk Shenk send Mr. La Rocca a letter in regards to the erosion issue and the planting of trees.

Supervisor Eagan complimented the Community Days Committee for an excellent job. They have done a superb job each year are getting better every year. He stated that when the banners were hung an additional 48 support brackets were added for flags.

#### DEPARTMENT ANNOUNCEMENTS/ACTIONS

Received and filed monthly reports from the Supervisor, Tax Collector, Justice Court, Code Enforcement Officers, Dog Control Officers, and Town Engineer and Recreation.

Supervisor Eagan stated that the financial part of the Water District #3 project would be closing on July 21st. Some questionable restoration will be taken care of.

Supervisor Eagan stated that the board authorized him to proceed in getting cost estimates for the start of Phase #3 of Water #3, which includes Lower East Hill (North of Omphalius Rd.), Burr Road in Boston and Old Lower East Hill Road. A petition was received from residents on Wohlhueter Road requesting inclusion in phase #3. He stated that he would be requesting a feasibility study and an estimate on that as well.

Supervisor Eagan stated that he is in the process of receiving estimates to extend Water District #2 on Shero Road from Zimmerman, West to Feddick. He said that the Eden Supervisor is interested in including services to a small hamlet just outside of Boston.

Supervisor Eagan stated that he met with some of the owners on Polish Hill/Hillcroft Road regarding the water being extended up to those residents. He stated that he already has some preliminary costs from the Engineers.

Councilman Hawkins asked if Water #3 could continue to finish on Liebler.

Supervisor Eagan stated that he relayed that information to the Engineers and is waiting for a response.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Town Clerk's report for June 2005.

five (5) Ayes    Carried

Town Clerk Shenk noted that the Town Board should have received a memo in their mailbox with an attached copy of the Consulting Services Contract with H & V Risk Consultants, along with the list of services that they have performed during this past contract period.

Town Clerk Shenk noted that New York State Conservation Licenses would go on sale August 15.

A motion was made by Councilman Hawkins and seconded by Councilman Mead to approve the date change for the Ellis Family picnic from August 20 to July 24.

five (5) Ayes    Carried

Town Clerk Shenk noted that it was brought to the Town's attention that at the previous Town Board meeting an error was made with regard to the salaries for Substitute Recreation Counselors.

A motion was made by Councilman Hawkins and seconded by Supervisor Eagan to amend the salary of the Substitute Recreation Counselors appointed at the June 15th Town Board Meeting from \$5.50 per hour to minimum wage of \$6.00 per hour:

five (5) Ayes    Carried

Councilman Mead stated that the Boston Chamber of Commerce is looking for recommendations of donations for the town. He suggested redoing some of the landscaping for the Boston Commons. He stated that he would contact some local nurseries to get estimates and discuss it with the Chamber.

Supervisor Eagan noted that the Boston Community Days Committee makes a lot of donations and the Patchin Volunteer Fire Company have put in a lot of volunteer time into our new snack shack.

Councilman Simmeth stated that he is trying to resolve the poor highway conditions on Chestnut Ridge Road and Omphalius Road with Erie County.

Councilman Simmeth stated that he received a pamphlet from Erie County Environment and Planning regarding a company that is involved with Textile recycling. This company will bring in bins for residents who wish to donate any unwanted clothing. There is no cost to the taxpayers or the town. He stated that this could lower the amount of garbage collection for Waste Management.

Councilman Hawkins mentioned having the Mill Street water line finished.

Councilman Hawkins mentioned that there is still some Hog Weed near East Lane.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to adjourn the meeting at 8:16 p.m.

five (5) Ayes    Carried

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DAVID J. SHENK, TOWN CLERK