

Town Board Minutes March 4, 2009

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

Also Present: Town Attorney Downey, and Code Enforcement Officers Ferguson and Highway Lead Man Rogers.

Rev. Sprehe, St. Martin's Lutheran Church, opened the meeting with a prayer.

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins to extend the contract of TVGA until 12/31/09.

four (4) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins to schedule a Public Hearing for Wednesday, April 1, 2009 at 7:40 pm to hear comments in regard to Proposed Local Law Number 1 of the year 2009 entitled "A Local Law, for an additional extension of a Moratorium on applications for the approvals of Subdivisions, Planned Unit Developments, Cluster Developments, and Multiple Dwellings over two units.

four (4) Ayes Carried

Councilwoman Maghran entered the courtroom at 7:33 pm.

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to approve the minutes of 02/04/09.

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilman Pluta to approve the minutes of 02/11/09.

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 February 26, 2009, minus voucher #177 in the amount of \$288.00 and voucher #180 in the amount of \$137.30, for a new Abstract total of \$117,721.90 be paid.

five (5) Ayes Carried

Received and filed correspondence from the Erie County Legislature concerning an updated proposal to establish an Erie County Planning Board.

A motion was made by Supervisor Eagan and was seconded by Councilwoman Maghran to direct Town Attorney Downey to prepare a resolution in regards to Erie County's proposal to establish an Erie County Planning Board.

five (5) Ayes Carried

Received and filed a letter from Jason Saramak & Margaret Murphy in regards to 9463 and 9467 Boston State Road.

Supervisor Eagan stated that the letter states some inaccuracies. He noted that he has had two separate conversations with Jason Saramak and advised him that the Code Enforcement Officer was contacted and was instructed to issue a cease and desist order. Supervisor Eagan informed Jason Saramak that action was taken and is now being handled by the court.

Code Enforcement Officer Ferguson noted that on January 23rd a cease and desist order was personally hand delivered. A second cease and desist order in addition to a citation was issued in February. They are scheduled for an April court date for a violation of the Zoning Law.

Supervisor Eagan also noted that the accusation that this man is directly related to him is totally false.

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to appoint Michael Kwasniewski 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 Eagan and seconded by Councilwoman Dobson to approve the annual refuse licenses for Allied Waste Services of North America, LLC, Modern Disposal Services, Inc., NEI, and Waste Management of NY, LLC.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins to appoint Eugene Wallace to the Zoning Board of Appeals as a regular member, term to expire 04/01/2014.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the Use of Facility Application for the Boston Historical Society for May 2, 2009.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilwoman Dobson upon the recommendation of Code Enforcement Officer Ferguson to approve an additional accessory building for Paul and Deborah Kaczmarek, 6477 Kevinton Place.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilwoman Maghran to approve the updated engagement letter for Bond counsel and related services with Hodgson Russ, LLP.

five (5) Ayes Carried

Town Clerk Shenk stated a supplemental engagement letter will be submitted for the Water projects once a tentative borrowing plan has been established. This document, once approved, will be submitted with our grant applications to the USDA.

The following bids for Electrical, Mechanical, and Plumbing for the new NYS Police Barracks were opened on February 12, 2009 at 10 a.m.

Electrical

Gerwitz & McNeil	\$116,400.00
CIR Electric	\$119,700.00
Industrial Power & Lighting Corp.	\$123,900.00
Goodwin Electrical Corp.	\$126,000.00
Wittburn Enterprises, Inc.	\$143,500.00

Mechanical

Greater Niagara Mechanical, Inc.	\$296,500.00
DV Brown & Associates	\$310,000.00

Plumbing

Numarco \$109,400.00

DV Brown & Associates \$148,200.00

A motion was made by Councilman Pluta and seconded by Supervisor Eagan on the recommendation of TVGA Consultants to award the following Bids for the new NYS Police Barracks:

Electrical: Gerwitz & McNeil Electric, Inc. \$116,400

Mechanical: Greater Niagara Mechanical, Inc. \$296,500

Plumbing: Numarco \$109,400

five (5) Ayes Carried

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

Received and filed the Supervisor's year end financial report.

Town Clerk Shenk announced that Town and County taxes are due Monday, March 16th. Additional days for collection are Saturday, March 7 and 14 from 9 am ? 3 pm, Thursday, March 12th, and Friday, March 13th until 8 pm and Monday, March 16 until 9 pm.

Highway Lead Man Rogers reported that Nussbaumer and Clarke contacted him today in regards to the use of the Town's right-of-way for a boost station on West Hillcroft and asked Supervisor Eagan what his thoughts were on that subject.

Supervisor Eagan noted that he has already given his thoughts to Nussbaumer and Clarke and the decision is entirely up to Highway Superintendent Telaak. The Town Board does not have any say in that matter.

Supervisor Eagan asked Highway Lead Man Rogers to inform Highway Superintendent Telaak that when he is out of town for any reason, he needs to inform the Town Board or the Town Clerk Shenk in writing of his absence and designate who will be in charge in case of emergency.

Supervisor Eagan noted that the decision to repair the Highway Superintendent's truck is the sole decision of the Highway Superintendent.

Councilman Pluta stated that the Boston Historical Society building had a water line burst and flooded its basement and asked if the Town Board can have TVGA look into it.

PROCLAMATION WORLD KIDNEY DAY

Councilwoman Dobson noted that two fundraisers benefiting the Boston Fire Company will be held on March 21st from 7:30pm - 11:30pm and March 28th from 9:00 am - 3:00 pm.

Councilwoman Dobson noted that she had received calls from residents thanking the Town Board for clarifying the issues involving Verizon Fios.

Councilwoman Dobson requested that Town Attorney Downey work with her to amend Local Law 2006-04, Sex Offender Residency Restrictions.

Councilman Hawkins noted that another tree came down along side Hillcroft Drive. Erie County Soil and Water was notified.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 7:53 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK