

## Town Board Minutes March 5, 2008

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

Excused: Supervisor William A. Eagan.

Deputy Supervisor McGirr stated that he will be chairing tonight's meeting in place of Supervisor Eagan who is recovering from surgery.

Also Present: Deputy Supervisor McGirr, Highway Superintendent Telaak, Town Attorney Downey, Code Enforcement Officers Ferguson, Lisowski and Juda.

Councilman Hawkins noted that there had been discussion in the past about putting up a gate at the South Boston Park. He checked into the cost of the material from Tractor Supply in Springville, and it would cost approximately \$250 for the gate and poles needed, not including labor.

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson to instruct the Parks Department to install a gate at the South Boston Park. The gate should be placed at least 30 feet off the road.

four (4) Ayes Carried

Highway Superintendent Telaak wanted to clarify comments made by Supervisor Eagan in the February 6, 2008 Town Board Minutes in regards to Voucher #107.

Councilman Pluta asked if this was actually a correction to the minutes.

Town Clerk Shenk noted that this was neither a correction nor a clarification. The question on the table is, are these minutes accurate as the February 6th meeting transpired. I'm not saying that you can't disagree with what Supervisor Eagan said with regard to your recollection of a conversation.

Highway Superintendent Telaak asked how he can go about getting this clarified.

Councilman Pluta stated that this issue will be discussed during consideration of all fund bills.

A motion was made by Councilman Hawkins and seconded by Councilwoman Maghran to adopt the minutes of the February 6, 2008 regular meeting.

four (4) Ayes Carried

A motion was made by Councilwoman Dobson and seconded by Councilwoman Maghran to correct the minutes of the January 16, 2008 minutes as follows:

Current motion:

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to table the appointment of the town planner until February 6, 2006 regular Board Meeting.

four (4) Ayes Carried

Change to:

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to table the appointment of the town planner until February 6, 2008 regular Board Meeting.

four (4) Ayes Carried

four (4) 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 28, 2008 in the amount of \$146,824.71 be paid.

four (4) Ayes Carried

Councilman Pluta asked Highway Superintendent Telaak why he did not follow the procurement policy in regards to voucher #107.

Highway Superintendent Telaak stated that he believed he did follow that policy. The policy says over \$300. The machine cost \$150 a day.

Councilman Pluta asked what the total cost of the bill was.

Highway Superintendent Telaak asked how he was supposed to know what the weather was going to be like and how many days it would take to remove all the decorations. He figured his workers could have gotten the holiday decorations down in two days, but there were 50 mph winds.

Councilman Pluta stated that he expects all department heads to follow the procurement policy passed by the town board and which he should have received.

Highway Superintendent Telaak asked if he has to put the Christmas decorations up again next year.

Councilman Hawkins said yes.

Highway Superintendent Telaak stated that the policy for the purchase agreement, states ?it is important to note that previously approved contractual agreements do not require a purchase request form such as insurance, grant writer, health, dental insurance, utilities and other contractual agreements approved by the board. Routine on-going expenses, (which this would be if this is going to be a routine thing every year), such as gas, salt, sand, which are purchased by a contractual current policy, do not require a purchase request form?.

Councilman Pluta asked Highway Superintendent Telaak if he had a contractual agreement with this company to use the truck every year.

Highway Superintendent Telaak stated that he is going to be doing this every year.

Town Attorney Downey stated that because this is with the Parks Department, it is not a continuing contractual arrangement. You do not have a contract with the company and there is not a specific contract with the town.

Highway Superintendent Telaak asked if it were a correct statement that at the January 2nd, 2008 Town Board meeting he had to agree to put up and take down Christmas decorations in order to be appointed as Parks Superintendent.

Councilman Pluta stated that was correct.

Highway Superintendent Telaak stated that five days later he had the three parks workers ready to start. Supervisor Eagan did not express that there was any problem.

Councilman Pluta stated that Highway Superintendent Telaak as a department head should have followed the procurement policy.

Highway Superintendent Telaak noted that he asked Supervisor Eagan if the Patchin Fireman would give some time and donate a ladder truck to help take down the decorations, and he didn't hear anything back.

Councilman Pluta stated that Highway Superintendent Telaak stated on record he expected it to take two days. He stated that Highway Superintendent Telaak asked the Town of Concord to use their bucket truck.

Highway Superintendent Telaak stated that was a totally different thing. I was told the Parks Department was going to put up and take down the lights, not the Highway Department.

Councilman Pluta asked that as Parks Superintendent can you not ask another town to use their bucket truck.

Highway Superintendent Telaak asked Councilman Pluta if he knows anything about the mutual aid agreement.

Councilman Pluta stated he is well aware of how it works.

Highway Superintendent Telaak stated that there is no reciprocity between the Parks Department and the Highway Department.

Highway Superintendent Telaak stated that has nothing to do with the Parks.

Councilman Pluta asked Highway Superintendent Telaak if the Town of Hamburg offered the Town of Boston the use of their truck and an operator at no charge to help take down the holiday decorations.

Highway Superintendent Telaak stated that they called and offered on Thursday and they were just about finished.

Councilman Pluta stated that Highway Superintendent Telaak was able to go get a truck to put the holiday decorations up, but he didn't take them down. He stated this is a waste of taxpayer money.

Highway Superintendent Telaak stated that as Parks Superintendent and this being parks, it had nothing to do with the Highway Department. He stated that it is illegal for another Town's Highway Department to do work in this town.

At 7:46 p.m. a Public Hearing was held to hear comments regarding Proposed Local Law No. 1 of the year 2008, A Local Law for the extension of a moratorium on applications for the approvals of subdivisions, planned unit developments, cluster developments, and multiple dwellings over two units.

Town Clerk Shenk read the legal notice.

Town Attorney Downey summarized the local law by explaining that the Town of Boston is updating the Code and an additional extension is needed because a number of departments are still reviewing the code. Since the prior extension is ending right now, we need to extend it. This is something that the Town Board has approved before.

No comments from the public.

A motion was made by Councilman Hawkins and seconded by Councilwoman Maghran to close the public hearing at 7:49 p.m.

four (4) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson to adopt Local Law No. 1 of the Year 2008 (Proposed Local Law #1) Entitled A Local Law for the 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

Received and filed Erie County Legislature, Notice of Public Hearing & Resolution in regards to Erie County Agricultural District.

Received and filed from the Towns of Marilla and Wales a Resolution Opposing the Proposed Abolishment of the Office of Elected Assessor.

Received and filed from the Towns of Newstead and Wales a Resolution to Retain School Resource Officer Assignments of New York State Police.

Received and filed from Town of Cheektowaga a Resolution to Memorialize New York State to Enact Legislation Relating to Text Messaging While Driving.

A motion was made by Councilman Pluta and seconded by Councilwoman Dobson to approve the Transfer of Appropriations as follows:

GENERAL FUND:

FROM: ACCT.

Appropriation A 960 7,047.00

Contingency 1990.4 7,047.00

7,047.00 7,047.00

TO: ACCT.

Appropriation A 960	7,047.00	
Town Board-Contr. 1010.4	410.00	
Supervisor-Contr	1220.4	190.00
Town Clerk-Per. Svc.	1410.1	935.00
Town Clerk-Contr.	1410.4	23.00
Engineering-Contr.	1440.4	3,326.00
Buildings-Per. Svc	1620.1	525.00
Dog Control-Per. Svc	3510.1	132.00
Dog Control-Contr.	3510.4	350.00
Code Enforcement-Contr.	3620.4	410.00
Publicity-Contr. 6410.4	46.00	
Programs for Aging-Contr.	6772.4	253.00
Planning-Per. Svc.	8020.1	159.00
Health Insurance	9060.8	288.00
Motion Cont?d:		
Total	7,047.00	7,047.00

HIGHWAY FUND

FROM: Acct.

Appropriation D960	13,202.00	
Estimated Revenues	D510	12,125.00
General Repairs-Fuel	5110.410	13,202.00
State Aide-Chips	3501	973.00
Other State Aide	3089	11,152.00
Total	25,327.00	25,327.00

TO: Acct.

Appropriation D960	25,327.00	
General Repairs-Contr.	5110.400	751.00
General Repairs-Drainage	5110.420	12,451.00
Permanent Improv.-Equip.	5112.2	973.00
Machinery-Equipment	5130.4	8,891.00
Machinery-Contractual	5130.2	2,261.00
Total	25,327.00	25,327.00

four (4) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson to accept the letter of resignation of Robert S. Chelus as a Regular Member of the Planning Board.

four (4) Ayes Carried

A motion was made by Councilwoman Dobson and seconded by Councilman Hawkins to appoint Jonathan King as a Regular Member of the Planning Board term to expire 02/01/2013.

four (4) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Hawkins to reappoint Norman D. Hertz and Richard Lee to the Conservation Advisory Council, term to expire on 03/01/2011.

four (4) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilwoman Dobson to appoint Deborah Reinecke as Recreation Supervisor starting March 15, 2008 through August 22, 2008, at a salary of \$5,150.

four (4) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilwoman Dobson to authorize attendance at the State Assessor's Association Training, April 4th & 5th, and approve all necessary expenses.

four (4) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Hawkins to approve the Use of Facility Application for the Boston Democratic Club on March 22, 2008.

four (4) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Hawkins to approve the renewal application for a Special Permit for Dumping of Material from Brian Leonard, 8032 Boston State Road with the stipulations that a Certificate of Compliance is received for the mulch and tree service company and material is only stored at the back of the facility and out of sight.

four (4) Ayes Carried

Councilman Pluta stated the applicant must know that this Certificate of Compliance is only for this use and anything additional must continue through to the Planning Board.

Councilman Pluta reaffirmed to the public that this town board stands ready to move ahead with the Trooper Barracks project. We are waiting for approvals on state requirements and SHPO. As soon as approvals are received the town board stands firm to go ahead with this project.

A motion was made by Councilman Pluta and seconded by Councilman Hawkins to direct TVGA Engineers to obtain bids for phase 3 of the Archaeological Study that is required by the State Historic Preservation office for the new NYS Police Barracks location.

four (4) Ayes Carried

Deputy Supervisor McGirr stated that Phase 1 and 2 have been completed.

Received and filed a monthly report from the Supervisor, Town Clerk, Assessor, Town Justice, Code Enforcement Officers and Dog Control Officers.

Town Clerk Shenk noted that Town and County taxes are due on Monday, March 17th. The office will be open Saturday, March 8th and 15th from 9 am-3pm, Thursday, March 13th and Friday, March 14th until 8:00 p.m. and the last day, March 17th until 9:00 p.m.

Highway Superintendent Telaak stated he had a clarification to the January 16th meeting discussion about snow plows, the highway department has 5 large plows with wings and 2 smaller trucks with wings and two small without wings.

Highway Superintendent Telaak asked permission from the Board to get bids on a couple smaller snow plow trucks. The two 550s we have are 2003s and we just put new front ends on both of them and a new motor in one of them. We need new trucks for plowing. The frame on the truck my deputy drives is cracked. We received two quotes \$1,200 and \$1,400 and the oil pan is leaking oil.

Councilman Pluta requested Highway Superintendent Telaak to attend the next agenda review meeting to discuss these matters.

Highway Superintendent Telaak noted that he received a phone call from Tony Zeniuk, 6540 Hillcroft Drive, stating that he's having difficulty selling his property because the creek that runs through his property has diminished by approximately 40 feet, and there are more trees that are ready to fall down. He stated that he spoke with Mark Gaston, Erie County Soil and Water, who will call Mr. Zeniuk in regards to this problem. He also stated that there were trees removed from the creek behind the town park down through Patchin Road and now there are twelve more trees that have fallen in the same spot.

Highway Superintendent Telaak stated that there is a lot of fill at the Highway Department if anyone has a permit and needs some.

Highway Superintendent Telaak asked the Town Board if he can have the Deputy Highway Superintendent's truck fixed.

Councilwoman Maghran asked what the cost of a new truck would be.

Highway Superintendent Telaak stated that this truck with the broken frame is probably worth less than \$6,000. It has 100,000 miles on it and he doesn't know if it's worth spending \$1,400 to have it fixed.

Councilwoman Maghran asked if it could be used as a trade in.

Highway Superintendent Telaak stated that the frame was broken in a different spot last year and we had it fixed. It needs a lot of work. If we sold it we would have to tell whoever is buying it that the frame is broken.

Councilman Pluta stated that was Highway Superintendent Telaak decision.

Highway Superintendent Telaak stated that he didn't want to spend any money without getting permission from the Town Board. It's more than \$300.

Councilman Pluta asked why the other trucks were repaired if they were going to be traded in.

Highway Superintendent Telaak stated that he didn't want to trade the other trucks in. They plow with those trucks and it was an emergency to have them running.

Councilman Pluta noted that he wasn't going to get a new truck right away. The purchase requires a NYS Bid. So you won't get it tomorrow.

Councilwoman Dobson asked Highway Superintendent Telaak if there were any other trucks available for his Deputy to drive.

Highway Superintendent Telaak stated that he has the parks truck out now, but he will still have to have the highway truck fixed.

Town Attorney Downey noted that Emerling Chevrolet is on the state bid list, he could go there.

Town Clerk Shenk noted that there is two ways to make that kind of a purchase. One is to go out to bid, which is normally done if the purchaser believes that the state bid won't suit the needs of the town. Second he can purchase one off the state bid list.

Councilman Pluta stated that he has a problem with giving him authorization to just go out and purchase. I want to know what we need. Some sort of specs should be submitted before hand.

Councilwoman Maghran asked if Highway Superintendent Telaak could please put some information together. She would rather the workers be in a safe truck versus sinking more money into a truck that is unfixable.

Councilman Pluta requested Highway Superintendent Telaak attend the next agenda review with a set of specifications.

Councilman Hawkins stated that Mark Gaston from Erie County Soil and Water is looking into West Hillcroft Drive creek tree removal. The problem is that the projects for 18-mile creek are in two phases and 8 out of the 10 projects that Soil and Water has designated for Boston will not start until probably 2009 or 2010.

Councilman Hawkins Cont'd: Supervisor Eagan and I have told them that we can't wait that long to have these trees removed from the creek. As many trees that are removed are that many more falling into it. We are sending letters out to every one of the affected home owners along 18-mile creek. We will also schedule a meeting to inform residents. 18 mile creek needs to be rip-rapped.

Councilman Pluta stated that he really wants to work with Highway Superintendent Telaak on his issues, but would like him to follow the procurement policy. He also noted that he takes offense to his statement about the fire departments. Mr. Hopkins is the Chairman of the Christmas Lighting Committee. He did call the Fire Departments and asked for their help. We did volunteer to help. At no time did you call any of the fire departments to ask for their help. Your quote in the paper stating that you were upset that no one helped you, that offended the fire departments.

Highway Superintendent Telaak stated that he asked Supervisor Eagan to ask the fire departments.

Councilman Pluta stated that he didn't. Next time ask them directly.

Deputy Supervisor McGirr read a letter submitted by Deputy Code Enforcement Officer Lisowski in regards to the safety of demolition site at 6892 Boston Cross Road.

Deputy Code Enforcement Officer Lisowski stated that at the last meeting the Town Board was concerned about the safety of other residents in regards to the condition the property was left in. He said he inspected the property the following day and noticed there was a considerable amount of water collecting in the area. He recommends that the town have some fill brought in. It is his understanding that because the town hired the contractor to do the demolition, it would be the town's responsibility to have it finished or graded off properly.

Councilman Hawkins noted that Highway Superintendent Telaak noted that there was dirt fill available at the Highway Department.

Town Attorney Downey stated that the town has a responsibility to deal with this problem. He asked that he be given a chance to review Deputy Code Enforcement Officer Lisowski's letter and discuss it with the Code Enforcement officers.

A motion was made by Councilman Hawkins and seconded by Councilwoman Maghran to adjourn the meeting at 8:23 p.m.

four (4) Ayes Carried

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DAVID J. SHENK, TOWN CLERK