

## Town Board Minutes May 7, 2008

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

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

Councilman Pluta noted that he has been working with Councilwoman Dobson and the senior groups to develop a physical fitness program for them. He stated that physical fitness instructor Joan Barcelow would come to the Town Hall voluntarily but requested to be reimbursed for mileage.

A motion was made by Councilman Pluta and was seconded by Councilwoman Dobson to reimburse Joan Barcelow for mileage costs to and from the town hall to conduct a physical fitness program for the seniors.

five (5) Ayes    Carried

Councilwoman Dobson noted that the playground equipment can now be ordered. The total cost for the equipment was \$27,612. Grants were obtained from Assemblyman Quinn in the amount of \$7,500 and Erie County Parks and Recreation in the amount of \$20,180. She noted that the cost for supervising this project installation will be \$1,500. She noted that the Fire Companies have volunteered to help with the installation. The tentative build date is June 14th. The entire purchase of this equipment is off of state contract.

A motion was made by Councilwoman Dobson and was seconded by Councilwoman Maghran to authorize Supervisor Eagan to place an order with Miracle Recreation Equipment Company per Quote #04080110 in the amount of \$27,612 for the town park playground equipment.

five (5) Ayes    Carried

A motion was made by Councilwoman Dobson and was seconded by Councilwoman Maghran to authorize Supervisor Eagan to sign the agreement with Fibar Systems to purchase engineered wood fiber and fabric, which is the cushion underneath the playground equipment. The total cost from the state contract price is \$6,313.51.

five (5) Ayes Carried

Councilwoman Dobson noted that there will be two age sections for the new playground. There will be a section for 2-5 year olds and a section for 5-12 year olds.

Councilwoman Dobson noted that we have previously discussed putting canvas curtains around the Lion's Shelter. This will help protect residents from heavy winds and rains during use. She contacted numerous companies, which offered different solutions. The Custom Covers and Canvas solution is best to suit our needs.

A motion was made by Councilwoman Dobson and was seconded by Councilwoman Maghran to authorize Supervisor Eagan to sign the contract from Custom Covers and Canvas at a cost of \$7,500 for 13 rollup windream curtains complete with accessories.

five (5) Ayes Carried

Supervisor Eagan noted that various proposals were received to continue the Phase 3 archeological study at the new NYS Barracks site, most specifically at the area of the Trooper's Barracks, Parking Lot, the roadway leading to the Barracks and a drainage ditch leading from the roadway out to Boston State Road. This is because of the mandate from SHPO. The first two phases were completed by the University of Buffalo. The current bidder for Phase 3 is Werner Archeological Consultants, LLC.

Town Attorney Downey added that the three reasons why the Town Board liked Werner's contract are:

- 1) they were able to start tomorrow if they are approved.
- 2) They had a good plan of action and closure for the property.
- 3) The opportunity to use volunteers and/or local paid help.

Supervisor Eagan requested that in a cost saving effort for this project if there are any young adults or college students in this field of study that wish to volunteer please contact his office or Town Clerk Shenk for more information.

A motion was made by Supervisor Eagan and was seconded by Councilman Pluta to approve Werner Archeological Consultants, LLC to do Phase 3 of the archeological study at a cost of \$45,839 at the new NYS Troopers Barracks site as outlined by SHPO.

five (5) Ayes Carried

A motion was made by Councilman Hawkins and was seconded by Councilman Pluta to approve the minutes of 4/16/08 with the following correction:

Current motion:

A motion was made by Councilwoman Dobson and seconded by Councilwoman Maghran to authorize Town Clerk Shenk to attend the PERMA Conference, May 21st-23rd , Bolton Landing, NY, hotel costs \$317, approximately 670 miles and miscellaneous travel costs to be paid.

three (3) Ayes Carried

Proposed change:

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to authorize Town Clerk Shenk to attend the PERMA Conference, May 21st-23rd , Bolton Landing, NY, hotel costs \$317, approximately 670 miles and miscellaneous travel costs to be paid.

Motion Cont?d:

three (3) Ayes Carried

five (5) Ayes Carried

At 7:52 p.m. a Public Hearing was held to hear comments regarding Proposed Local Law No. 2 of the year 2008, entitled A Local Law to Remove the Permit Requirement for fill Received from the Town of Boston.

Supervisor Eagan read the legal notice.

Tony Bernardi, 5249 Glenn Terrace asked for clarification on this Local Law.

Town Attorney Downey noted that under the current code if you receive fill from the town you would have to get a permit. This Local Law will allow residents to receive fill from the town and not have to get a permit. Part of the reason why this proposal was put in is so that we know where the fill is coming from, meaning the Town Highway Department, not the Township.

Tony Bernardi asked if there was a cost to the permit.

Town Attorney Downey stated no.

Tony Bernardi: What about if I'm digging a swimming pool and my neighbor needs some dirt. Can I dump it over there without a permit?

Town Attorney Downey: Generally, no.

Tony Bernardi: I wouldn't want this proposal passed then in that case.

Supervisor Eagan asked why he would say that. That is a different issue.

Tony Bernardi: So, if we get it from the Town of Boston we can accept it without a permit and no fees.

Town Attorney Downey: There will be a form filled out so we know who we delivered it to. No permit is required.

Tony Bernardi: What do I have to do if I'm digging in the Town of Boston and want to give the dirt to someone who lives in the Town of Boston?

Town Attorney Downey: You have to get a permit.

Supervisor Eagan: The law says from the Town of Boston. Otherwise, we would have piles of dirt here from when residents call and say they want their ditches cleaned out. This is a way of ridding the town of these stockpiles of dirt and helping out the residents that may need to re-grade their lawns or put culvert pipes in. It is clearly stated, it's from the town. It has nothing to do with private person to private person. That is a separate issue all together, which you need a permit for.

Tony Bernardi: Would I have to get a permit even if I'm digging in the Town of Boston and giving it to my neighbor?

Supervisor Eagan: You could be digging at a former gas station, we want to know where that dirt is coming from so as not to contaminate another area. We are trying to make sure that we know where all the dirt is coming from.

Tony Bernardi: How much is the fee?

Deputy Code Enforcement Officer Lisowski: \$100, which is good for one year.

Town Attorney Downey: This is not changing.

Supervisor Eagan asked Deputy Code Enforcement Officer Lisowski how long the fees schedule has been in place.

Deputy Code Enforcement Officer Lisowski: The current fee schedule is three years old.

Town Attorney Downey stated that if the soil comes from outside the town there is a different procedure. You have to get a permit and come before the Town Board. Everything that I've discussed with you has been in place for years. This changes it because we already know what it is. It was a technicality so that it would make it easier for our town departments and also for the homeowner to receive this dirt.

Tony Bernardi: As long as it's coming from the town it's easier for the homeowner.

Town Attorney Downey: The Town Municipality, not the town, meaning the physical location.

Tony Bernardi: So if a local contractor is digging somewhere in or out of the town, it creates a problem if this person needs fill. Does the homeowner have to get the permit?

Town Attorney Downey: You both would. But that has always been the procedure. That hasn't changed.

Supervisor Eagan: We haven't changed anything in that area. This proposal will eliminate the need for the homeowner to get a permit to receive dirt from the Highway Department.

Tony Bernardi: I hauled a lot of fill in here when I built the house down here and I didn't get a permit back then.

Supervisor Eagan: Than you were very lucky that you didn't get cited.

Deputy Code Enforcement Officer Lisowski: When you have a building permit, which is good for one year, you're building a house, you need gravel for your drive way or whatever, that building permit allows you to bring in fill as long as the building permit for that home is within that one year from date of issuance.

Bob Clark, Sharco, 6752 Mill Street: The way it is now, anyone who wants a load of topsoil has to get a permit.

Councilman Pluta: Not topsoil, fill.

Supervisor Eagan: Before this Local Law was proposed it was an oversight in the way the code was written back in 1990, which said that if you get fill you have to get a permit, no matter where the soil is coming from. We changed that so a homeowner can accept dirt from the Town of Boston without having to get a permit. All we have to know is who we gave it to and at what address.

Bob Clark: So if you are hauling dirt within the town from your house to another.

Supervisor Eagan: It's always been there.

Bob Clark: I've never seen it and I've been here for over 20 years.

Supervisor Eagan: The code we have today has been in place since 1990.

Bob Clark: I can see a permit to control the dirt being brought in from out of town.

Supervisor Eagan: We are trying to protect homeowners and properties from getting contaminated soil. There are areas they can get it from within this community. I'm sure when former Town Attorney Perley worked on those zoning codes back in 1990 their intent was to protect this community from any contaminated soil. The way to do that is by enforcing a permit process and identifying where that soil is coming from whether its from within or outside of the town.

Bob Clark: The permit should fall on the contractor or person digging, not the homeowner.

Supervisor Eagan: We didn't write the code.

Barbara Schunk, 7699 Boston State Road: As many requirements as you can lift is great.

Robert Telaak, 7900 Feddick Road: So you are saying you don't need a permit for top soil, is that correct?

Councilman Pluta asked Deputy Code Enforcement Officer Lisowski if someone needs a permit for a load of topsoil.

Deputy Code Enforcement Officer Lisowski: We usually have required a permit for that. The code is being revised to clarify the number of yards, tonnage that can be brought in as topsoil or fill for a washed out driveway.

Supervisor Eagan: We do have draft code changes prepared by a committee that we are reviewing. The Planning Board and Zoning Board of Appeals have already signed off on it. Our intent is to review these codes that were written 18 years ago and try to define them in a clearer and definite manner and to change those that seem to be a little bit unfair. The dumping, fill and all those things are just part of the overall picture of what we are trying to do with this code book to make it a more useable and fair. One of the problems this administration and past administrations have had is interpretation. All the changes that we will propose will be publicized and available to the public.

Bob Clark: It's nothing to put 100 ton of stone on a driveway before it's blacktopped.

Supervisor Eagan: We understand that. This is why we're reviewing these codes. Hopefully within the next 60 days we can schedule a public hearing to bring these changes to the public.

Robert Telaak, 7900 Feddick Road: Say my neighbor needed three loads of fill to level out an area in their yard; do they need to get a permit? And what is the minimum requirement right now.

Supervisor Eagan: According to the Town Attorney, they need a permit.

Deputy Code Enforcement Officer Lisowski: Again, this is why we are revising the code and because there is nothing set in stone. If it's for 4 or 5 yards of top soil to fill in a couple of areas washed out will we probably won't pursue that. But if you bring in 40 loads, yes, we're going to look at that.

Town Attorney Downey: I believe there is a landscaping exception somewhere in the code. Part of the question becomes what is fill vs. what is landscaping? This is why we are trying to revise it because there is no minimum requirement right now.

Supervisor Eagan: We are going for clarification/corrections. This Local Law happens to be a small part of it because we wanted to get this part done now.

Tony Bernardi: After a flood, it took ten loads of stone to fix my driveway. It cost me a lot of money just for that stone, I don't want to have to pay another \$150 for a permit.

Town Attorney Downey: As much as everyone has interesting and important comments, that issue will be appropriate when that code comes out. Right now, all we are doing is reducing the regulation in this little area for the moment to make things quicker.

Robert Telaak: Deputy Code Enforcement Officer Lisowski said it was \$100 for the fee. I paid \$150 last December.

Deputy Code Enforcement Officer Lisowski: There are two different kinds, one for bringing fill in and the other for storage.

Deputy Code Enforcement Officer Juda agreed that the correct fee for a fill permit is \$150.

Supervisor Eagan asked Robert Telaak if he paid the \$150 fee.

Robert Telaak said he paid \$30 because he stopped payment on his check.

Paul Kaczmariski, 6477 Kevington: I'm the last house on the end of the cul-de-sac. There was never any drainage put in down there. The water comes from both sides. I get everybody's water from the top of the hill. Is there a limit to the amount of truckloads I can get from the town.

Supervisor Eagan: No.

A motion was made by Supervisor Eagan and was seconded by Councilwoman Dobson to close the public hearing at 8:14 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded Councilwoman Dobson to adopt Local Law No. 2 of the Year 2008 (Proposed Local Law #2) Entitled A Local Law to remove the permit requirement for fill received from the Town of Boston.

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 May 1, 2008 in the amount of \$74,642.69 be paid.

five (5) Ayes Carried

A motion was made by Councilman Pluta and was seconded by Councilman Hawkins to approve payment to Whispering Pines for the stocking of fish in the Ponds behind the Town Hall in the amount of \$200.

five (5) Ayes Carried

Received and filed a letter from Kelly Wahl, Deputy Director of Real Property Tax Services requesting the Town Board to approve a resolution in regards to consolidating the assessment units with Erie County.

Received and filed notice from Erie County Clerk Hochul announcing the Grand Opening of new Erie County Auto Bureau at ECC South Campus, Building 7, on May 12th at 8:30 a.m.

Referred a letter from Diane Helmbrecht in regards to the repair/replacement of the blacktop walkway in North Boston to Highway Superintendent Telaak to contact Erie County Highway Department.

Received and filed Resolution from the Town of Lancaster regarding Fair and Equitable Assessment practices.

Paul Kaczmariski, 6477 Kevinton: My property is along the 18-mile creek bank and over the years I asked what can be done about my property erosion. I noticed that there has been some clearing of trees, but there are still quite a few that have fallen again and will block the water. The way that the creek is moving now, it's a direct shot once again toward my property. Is there anything that can be done along my property line?

Councilman Hawkins stated that he would like to see all of 18 mile creek riprapped. He noted that he walked the creek from Rucker's all the way to Patchin Road. He noted that there are five major blockages and it will cost anywhere from \$175,000 to \$200,000 to remove them. There were some smaller blockages removed from behind the Town Hall toward Hillcroft Drive and he hopes to be able to continue working with the Highway Department to keep them clear.

Councilman Hawkins stated that Mark Gaston from Erie County Soil and Water is working on eight projects in Boston. There are approximately 30 areas in Boston that are in need of riprap. Every time there is high water, there will be tree problems. He stated that the Town Board is doing everything they can to obtain financing.

Supervisor Eagan stated that the town, the homeowner and Erie County Soil and Water all put forth a share to fund these projects. The Town is trying to make as much of a contribution as possible to reduce the cost to the homeowner.

Councilwoman Dobson asked Paul Kaczmariski if he has had any electric outage problems in his area. She noted that she was contacted by a resident on Tricia Lane and was told that the power goes out at least 10-20 times a year.

Paul Kaczmariski noted, yes, there have been many times. He noted the lines are underground.

Cheryl Michalski, 6142 Hillcroft, In regards to proposed Water District #2 Extension #3 we were quoted a yearly increase of taxes of \$1,349.74 to fund the project and that it would most likely be lower because of grants. She stated that there was supposedly a petition put forth to all the residents this would affect. She stated that a number of them were not contacted. She stated that she has recently received a certified letter stating there was an increase in the cost to \$1,535.74 per resident per year to have the water put in. A number of homeowners already have working wells. She stated she is against this project and requested more information.

Supervisor Eagan stated the \$1,349.74 is the amount to pay off the capital improvement costs of bringing the water service to that neighborhood and has nothing to do with usage. He stated that the NYS Comptroller's Office requested that the Town of Boston notify the homeowners that there was also a usage fee of approximately \$186 from Erie County Water Authority; this is why it went up to \$1,535.74.

Cheryl Michalski asked why there isn't any record of our State and Federal representatives being contacted in regards to this.

Supervisor Eagan stated that he along with the rest of the Town Board have encouraged the residents to write to your State and Federal representatives. He stated that our grant writer has also requested money. He stated that he has told the residents all along that this is the cost of the project as it has been presented by our engineers.

Cheryl Michalski asked how this can be stopped.

Supervisor Eagan stated that the majority of the residents signed that petition.

Cheryl Michalski requested a copy of the petition.

Supervisor Eagan stated that she can come to his office tomorrow and get a copy.

Cheryl Michalski stated they were told 51 percent of the votes. It had nothing to do with the assessment of the homes until they didn't get enough signatures.

Supervisor Eagan stated that Cheryl Michalski was assuming that someone conveniently changed the rules. He stated that an attorney was hired to guide and instruct the Town Board on the process. The attorney drafted the documents. When I spoke with the attorney, Mr. Spitzer, he told me that it's 51% of the overall assessed value of all the properties involved. Without that there wouldn't be a project.

Cheryl Michalski stated that she does not need the water and asked if this application was pending.

Supervisor Eagan stated that it was pending and didn't know if the NYS Comptroller would send another request to do something else. There is always the possibility they may not approve it.

Cheryl Michalski asked what actions can the resident take who do not want this project to go through.

Supervisor Eagan stated that he didn't think there was any more action that can be taken. Each resident had the opportunity to sign the petition in favor of the project. If they didn't sign it, that meant they were against it. But because property owners that represent 51 percent of the total assessment of the proposed district signed the petition and the application went forward.

Cheryl Michalski stated that it would have been nice if it were explained that way.

Supervisor Eagan noted that he explained it at that public hearing. He stated that the attorney gives the Town Board the procedure, and they take it to the residents as instructed. He stated that when the residents signed the petition, between the Assessor's office and Nussbaumer and Clarke Engineers, they compiled the information to determine whether we had the 51 percent of total assessment in favor of the water.

Cheryl Michalski asked if the names of those who did not want their name on that petition were crossed off.

Supervisor Eagan stated that he believed there were two people removed but it was still over 51 percent.

Tom Smith, 6267 Hillcroft Drive, stated that he was the person who contacted the residents on Hillcroft Drive and Deer Run relative to this petition and invited them over to his home including Cheryl Michalski. He showed them the petition and they either elected to sign or not. He stated that there is a majority of people who sign in favor of this project and there is also a majority of people that represent better than 51 percent of the assessed value who are in favor of water.

Eric Sears, 8948 Deer Run, noted that he was never contacted for that petition and never spoke to anyone. He stated that he spoke with Supervisor Eagan that past Monday and he asked if it was based on assessed value or one vote per property, and Supervisor Eagan told him it was one vote per property.

Supervisor Eagan stated that it was very possible you didn't understand what I said.

Eric Sears stated that it seems that the vote goes by assessed value but the bill goes one per property.

Supervisor Eagan stated he doesn't set the guidelines for this project.

Eric Sears stated that there are several residents at the top of the hill that are not interested in this. He inquired if the lines could be brought up half way and stop after the last person who wants it.

Supervisor Eagan stated that if NYS Comptroller approves it, it will come right through to the end of Deer Run. He stated to Eric Sears that in six months he could sell his property to someone who wants the water.

Eric Sears stated that his proposed house location is approximately 2,000 feet from where this tap would be. He stated that he believed the paperwork stated it was 35 lbs guaranteed to the street.

Supervisor Eagan stated that according to the Erie County Water Authority Tariff they have to guarantee 20 lbs of pressure.

Eric Sears asked if the petition stated 35 lbs.

Supervisor Eagan stated that he couldn't recall but would double check. He stated that he spoke with Bruce Shear from Nussbaumer and Clarke Engineers and asked him what the pressure would be for your property and he stated that if it was downhill it should maintain the pressure that is predicted for there. If their property was going uphill, than it would drop and another pump would have to be put in.

Eric Sears stated that there would be three ravines to cross on his property. He stated that he wasn't against the project, but because he is at the top of the hill and would like to be left out.

Paul Tuttle, v/l Deer Run, stated that he has a problem with the pressure. He stated that it is stated in the map, plan, and report 35 lbs. He stated that there is a .43 lbs loss per one foot of elevation.

Supervisor Eagan stated that there are provisions for pumps to push the water uphill.

Paul Tuttle said that 20 lbs. would not work, it is impossible. He noted that he has called Bruce Shear three times and have faxed letters three times and have not received any response.

Supervisor Eagan informed him that he will set up a conference call with Bruce Shear.

Paul Tuttle stated that his concern is the pumping station because he has ravines to go through. He stated he has a 30 foot grade which cuts it down even more. For every foot of elevation you lose pressure. He asked if there was any progress with the grants.

Supervisor Eagan stated that he has calls in to Assemblyman Quinn's and Senator Volker's office.

Paul Tuttle stated that he isn't against the project, but if it's going to cost that much money, it should work.

Supervisor Eagan stated that if the map, plan, and report are approved by NYS Comptroller, than we have to send the entire package to Erie County Water Authority for review. If they look at it and the calculations are wrong, they will let us know. They will be the ones who will have to maintain the water pressure.

Tom Smith asked the Town Board what they knew about Nussbaumer and Clarke Engineers. He asked if they were familiar with their background. Are they reputable?

Supervisor Eagan stated that you would expect that Nussbaumer and Clarke Engineers are right on, they have done past Water Districts for Boston, but his experience is to always be ready for the unexpected.

A motion was made by Councilwoman Maghran and was seconded by Councilman Pluta to approve the Use of Facility Application for Boy Scout Troop 491, June 13, 2008.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Pluta to approve the Use of Facility Application for Karen Ellis, August 2, 2008.

five (5) Ayes Carried

The following bids for the Yellow Bus Service for the Summer Recreation and Winter Ski/Snowboard Program were received and opened at 10:00 a.m. on May 21, 2008:

Summer: 4 buses needed for approximately 30 days:

Fisher Bus Service: \$200.00 per bus/per day

First Student: \$200.00 per bus/per day

Buffalo Bus Lines \$395.00 per bus/per day round trip

\$395.00 per bus/per day late trip

Winter: 8 days:

First Student: \$235.00 per bus/per day

Fisher Bus Service: \$245.00 per bus/per day

Buffalo Bus Lines \$395.00 per bus/per day

A motion was made by Supervisor Eagan and seconded by Councilwoman Maghran, on the recommendation of Recreation Director Vara, who noted that Fisher Bus Service had more favorable field trip rates, to grant the Yellow Bus Service for the Summer Recreation and Winter Ski/Snowboard Program to Fisher Bus Service for summer service at \$200 per bus/per day and for the winter service at \$245 per bus/per day.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins to refer the request for appointment from Patrick Penrod to the Zoning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins to authorize Town Clerk Shenk to sign the Service Agreement for Electronic Payments from LocalGovWorks, LLC., pending final review by Town Attorney Downey.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins with the recommendation from Code Enforcement Officer Ferguson to approve the request from Gerald Penn at 6041 Thornwood Drive for an additional accessory building.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilwoman Maghran and with the recommendation from Code Enforcement Officer Ferguson to approve the request from Dennis Mead at 6780 Hillcroft Drive for an additional accessory building.

five (5) Ayes Carried

Received and filed monthly report from the Town Justices.

Supervisor Eagan noted that the Shared Highway Equipment Grant was \$217,350. This grant will help pay for a street sweeper and hydroseeder.

Highway Superintendent Telaak noted that the CHIPS money received from the state has increased to \$64,984 from \$52,972. He noted that this will help reduce the increased costs of blacktop, oil and stone.

A motion was made by Councilman Pluta and was seconded by Supervisor Eagan to authorize Highway Superintendent Telaak to attend highway school in Ithaca, NY, approximately costing \$129 per night, \$85 registration fee, and ½ of mileage costs.

five (5) Ayes Carried

Highway Superintendent Telaak noted that the resident at the Pinecrest Terrace turnaround have built a berm and planted trees on the town right of way. He noted that Code Enforcement Officer Ferguson informed him that the Code Enforcement office does not have any authority to handle this situation. Highway Superintendent Telaak asked for clarification from Town Attorney Downey on how he can handle it. He stated that the resident did not obtain a permit which is required when putting things on the right of way.

Town Attorney Downey stated that Highway Superintendent Telaak has the authority to give the resident notice to have the obstruction removed. He recommends it be sent regular and certified mail informing the resident that he has so many days to remove it and if they fail to do so the Highway Department will.

Councilman Pluta noted that the annual Fishing Derby was a great success.

Councilman Pluta noted that he did not get a chance to discuss this with the Town Board, but feels this is an important matter. The Patchin Fire Co. is having a problem with its paging system. The county has installed new pagers, but Hamburg Fire Control has requested written authorization from the Town and the Fire Companies to use it as a primary system.

Supervisor Eagan asked Councilman Pluta if there were a cost to the town.

Councilman Pluta stated no. He stated that the Town of Hamburg is currently using both paging systems at no additional cost. He stated that he is requesting them to use it as the primary system, not as back up.

Supervisor Eagan requested a confirmation from Hamburg Fire Control that there is no cost to the town.

Councilman Pluta stated he would get the letter.

A motion was made by Councilman Pluta and was seconded by Supervisor Eagan to authorize Town Attorney Downey to send a letter to Hamburg Fire Control stating that if any of the Town of Boston Fire Companies request that the new alerting system be their primary system that they honor that request and that the Town Board is approving this with the condition that there is no additional cost to the town.

five (5) Ayes Carried

Councilwoman Maghran noted that all received traffic concerns were submitted to Erie County.

Councilwoman Dobson noted that the tentative build date for the new playground will be June 14. Anyone willing to volunteer in any capacity please contact her at 445-1356.

Councilwoman Dobson noted that she would inform Miracle Recreation Equipment to contact Highway Superintendent Telaak in regards to the removal of equipment and regarding of the playground. She will give Highway Superintendent Telaak a list of all the playground equipment that needs to be removed.

Councilman Hawkins inquired about the fill at 6892 Boston Cross Road demolition site.

Highway Superintendent Telaak stated that if the representative from ETS has a bulldozer to the site on Tuesday they would haul more fill to the site.

Supervisor Eagan asked Highway Superintendent Telaak to have the Parks? employees stamp and level off the Bocce ball court for the seniors.

Received and filed Water District #3 Financial Statements and Audit Report for year ended December 31, 2007.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 9:17 p.m.

five (5) Ayes    Carried

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DAVID J. SHENK, TOWN CLERK