

## **Town Board Minutes November 1, 2006**

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Dennis J. Mead, Councilwoman Cathleen M. Dobson and Supervisor William A. Eagan.

Also Present: Town Attorney Downey, Deputy Supervisor Pluta, Code Enforcement Officers Ferguson, Lisowski and Juda.

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

A motion was made by Councilman Mead and seconded by Councilman Hawkins to adopt the minutes of the October 18, 2006 regular meeting.

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins, upon review by the Town Board, that fund bills on the Abstract dated October 26, 2006 in the amount of \$65,892.40 be paid.

five (5) Ayes    Carried

### **REQUESTS FROM FLOOR**

Rhonda Davis, 6748 Hillcroft Drive, read a statement explaining why they are present at every Town Board meeting discussing drainage issues. She read excerpts from the June 2004 Town Board minutes regarding the same flooding issues that exist today and reviewed the steps recently taken to rectify the problem.

James Reichert, 6706 Hillcroft Drive, read his rebuttal to quotes from Supervisor Eagan's letter regarding Boston's drainage problems that appeared in the October 28, 2006 issue of the Southtown Citizen.

Received and filed a recommendation from the Town Engineer, in agreement with Deputy Code Enforcement Officer Lisowski, that the buildings at 6892 Boston Cross Road and 6588 Hillside Drive be demolished due to unsafe conditions.

Town Attorney Downey reported that the owners of 6892 Boston Cross Road and 6588 Hillside Drive, as stated in Town Code, were notified by registered mail that the properties are deemed Unsafe Structures, a demolition may be ordered, and notices of an unsafe structure were attached to the buildings. There has been no response from the owners.

A motion was made by Councilman Mead and seconded by Supervisor Eagan, upon the recommendation from the Town Attorney, Town Engineer, and Deputy Code Enforcement Officer Lisowski, to declare the structure at 6892 Boston Cross Road unsafe and to be demolished according to law.

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins, upon the recommendation from the Town Attorney, Town Engineer, and Deputy Code Enforcement Officer Lisowski, to declare the structure at 6588 Hillside Drive unsafe and to be demolished according to law.

five (5) Ayes    Carried

Supervisor Eagan noted that a bid opening for the demolition of the unsafe buildings will be scheduled upon receipt of an opinion from the Town Attorney on the new provisions under the law for demolition procedures.

At 7:45 p.m. a Public Hearing was held to hear comments regarding the 2007 Tentative Budget.

Supervisor Eagan read the legal notice.

Supervisor Eagan noted that the budget presented is a work in progress and work will continue to refine the budget.

Karl Simmeth, 6678 Meadowbrook Drive, commented that the Budget Director's salary is increased from \$2,000 to \$3,000 a year. The 2003 budget was 20 pages and is still 20 pages so why the increase in salary? Why did the Town Clerk's equipment budget A1410.2 increased from \$500 to \$5,000? If the county took over the election process why is there \$500 in A1450.1 and \$1,500 in A1450.4? In the A1620 Buildings and Equipment budget, why is there an increase from \$5,000 to \$35,000. The 2006 Contingency budget is \$85,000 and nothing has been appropriated so far this year. What is projected? A8540.4 and A8745.4, drainage and flood control budgets; \$70,000 budgeted in 2006 and only \$5,600 was appropriated so far. What will the remainder be expended on? In A9050.8, who is responsible and why for an appropriation of \$4,064 for unemployment insurance? According to the 2006 Refuse and Garbage budget 2,946 homeowners paid \$121 each. In 2007 2,948 homeowners will pay \$177. Were only two homes built in 2006? In the A1010.1 budget,

Town Board Personal Service; for the second year Town Board members decided to give themselves a raise, including the supervisor for the first time in a long time. Elected officials from Concord, Eden, and Orchard Park all chose to forgo a raise this year. In 2003, the taxable assessed value in the town was \$253,000,000 due to the reval the town's taxable assessed value is \$470,000,000. That is almost a \$218,000,000 increase in assessed value. He noted that as a former Councilman he voted for the reval and that in light of the increase in assessed values it is not surprising that the tax rate is lower than it was in 2002. But how does this lower tax rate assist the people who are paying thousands of dollars a year more in property taxes as a result of the reval? With all the increased revenue the town has seen from this quarter billion dollar increase in assessed value it seems that instead of warning us of the potential doomsday tax increase that may be ahead, the Supervisor could protect taxpayers hard earned money and insure that our taxes are not increased this year or in the years ahead.

Supervisor Eagan commented that regarding the reference that Concord is not taking raises, they have just about exhausted their surplus funds and are in tough financial shape. They can't justify the expenditure. Holland was projecting a 300% budget increase so it is understandable that they are not taking a raise. He noted that Mr. Simmeth sat on the town board for eight years and should know the ups and downs of government and that funds are managed well in this community. As far as the garbage fees and insurance, we have no control over those costs and the contracts are put out to bid. On the contingency changes, a major job was done on Mill Street and Back Creek Road. You will see those funds being exhausted in the drainage budget because we have large bills coming in. As noted in the Southtown Citizen, it will take patience and money to iron out flooding problems. Local town officials are doing the best they can with limited resources they have so it might make sense to contact state and federal representatives. As far as an increase in building and maintenance, we have to put a new roof on this building and we need new windows to save energy costs.

Rhonda Davis commented that in regards to the drainage money, in 2004 the town got money from FEMA to fix her back ditch and she is not sure that all that money was used.

Supervisor Eagan responded that the town was audited on the FEMA funds and that FEMA oversees and reimburses us for funds we expend.

Frank Roziak, 6900 Boston Cross Road, questioned why there is a pay raise proposed for town officials.

Supervisor Eagan noted that this is the first raise he has taken in five years. If the town were in bad financial shape the town board would not be taking a raise. His predecessor took over thirty percent increases in wages.

Frank Roziak commented that the Supervisor is making \$28,000 in a part-time job and he doesn't make that in his full time job.

Supervisor Eagan noted he takes no shame in the fact that he works two jobs and his wife works two jobs.

Councilman Hopkins commented that Supervisor Eagan said he hasn't taken a three percent raise in five years. A lot of people see a raise in whatever job they do well within five years.

Supervisor Eagan responded that he feels he deserves a raise and if this town wasn't in the financial shape it is in, thanks to what this board and the boards he worked with in the past have done, we wouldn't be in this shape.

Karl Simmeth commented that he thinks the town board needs to consider the creation of a town wide drainage district. He doesn't think any water should be running through the subdivisions coming off the hill. He thinks water should be caught up by the power line and diverted, take eminent domain proceedings, take some farmers' land or some private owners' land and run that water down to the creek and put some retention ponds in. Don't they have a Stormwater Coalition Act? Town Attorney Downey should help the residents that want to get involved by getting it on a referendum. Most of the residents with flooding problems are in the valley and there are more people in the valley than are living on the hill. People have to understand that the water coming off their driveways and roofs are coming through the subdivisions. The highway trucks are going up the hills when it is snowing and icy there while it is nice down in the valley. Our tax dollars are being spent so the roads up there are being kept clean. He thinks this board should look at fifty years down the road. It is going to cost a lot of money, but if we get Congressman Higgins involved there could be a moderate tax increase or a drainage district tax fee. He thinks they could sell it.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to close the Public Hearing at 8:08 p.m.

five (5) Ayes Carried

Supervisor Eagan thanked Budget Director Selby for her work preparing the 2007 tentative budget. He noted that her salary raise from \$2,000 to \$3,000 was questioned tonight and he noted that because of her work we no longer pay an outside accounting firm to do our AUD report, which alone costs \$3,000.

Highway Superintendent Telaak reported that the brush pick-up is complete and both trucks are picking up leaves every day.

Highway Superintendent Telaak reported that a larger pipe was installed on Pin Oak Drive and the ditch was cleared out on Boston Cross Road. There were calls that excess water was coming down the hill on Liebler Road. A resident on top of the hill filled in a ditch causing the problem. He thinks the Town Attorney should send the resident a letter stating he will be liable for damage to the road or if there is an accident.

Councilman Mead announced that a new Conservation Advisory Council brochure will be distributed and they are seeking new members.

Councilman Mead reported that the town board met with the town engineer at an agenda review meeting on the drainage issues. Representatives from the community will be contacted next week to attend a meeting on drainage issues.

Councilman Mead reported that our Town Attorney is working on a Sex Offender Law which will be on the next agenda.

Councilman Hawkins reported that he and other town officials met with the DEC and Stormwater Coalition. The Boston Post Office was flooded again this weekend due to the collapse of the pipe across the entrance. With the assistance of Mr. Emerling and Erie County the pipe should be replaced this coming week.

Received and filed notification from the Conservation Advisory Council meeting schedule change from Thursday, December 21, 2006 to Thursday, December 14, 2006 due to the Christmas Holidays.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 8:17 p.m.

five (5) Ayes Carried

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DAVID J. SHENK, TOWN CLERK