

Town Board Minutes November 2, 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 Code Enforcement Officer Kramer.

Pastor Kwietkowski, Good Shepherd Lutheran Church, Opened the meeting with a prayer.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to approve the Special Permit for Live Entertainment for Nana's Nook, 8038 Boston State Road to expire June 30, 2006

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to declare the 1990 Ford Van, previously used as the Dog Control Van, surplus equipment.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to adopt the minutes of the October 19, 2005 regular meeting with the following correction:

Add the following on page 5 after Councilman Hawkins statement regarding Creekside Subdivision:

Supervisor Eagan asked Deputy Town Attorney Metzger if someone wanted to discard something on town property, would it be legal and who would have to give permission.

Deputy Town Attorney Metzger stated he would research the question and get back to him.

five (5) Ayes 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 October 27, 2005 in the amount of \$92,548.86 be paid.

five (5) Ayes Carried

Received and filed letter from Senator Volker regarding Collateral Source Bill Resolution 2005-21.

Received and filed notice from Erie County regarding Agricultural District Application.

REQUESTS FROM THE FLOOR

Carl Borowicz, 7108 Liebler Road inquired as to the update to the property at 7118 Liebler Road.

Supervisor Eagan, Town Attorney Vacco and Code Enforcement Officer Kramer stated that they understand his frustration, and stressed that this matter is in the hands of the court and believe that Deputy Town Attorney Metzger answered his question at the last Town Board meeting.

Supervisor Eagan suggested that he write a letter to the judges inquiring when a decision would be rendered.

Ron Fluker, 7147 Boston Colden Road asked Highway Superintendent Telaak if the Leaf pick up was for sub-divisions only.

Highway Superintendent Telaak answered yes.

Ron Fluker asked Supervisor Eagan if having the caskets buried in the town park was a health hazard to anyone.

Supervisor Eagan stated he felt it was immoral and a poor decision to put it there and other than timing, he acted in good judgment. He stated that the town park is no place to dispose of something like that.

Bill Forness, 8678 Boston State Road stated that the choice was not Supervisor Eagan's, it was his. He asked Councilman Simmeth if he felt burying the coffins was morally correct.

Councilman Simmeth stated that he had no knowledge of this being done until recent rumors surfaced. He stated that he had spoken with several residents and they did not feel it was morally wrong.

Supervisor Eagan read the legal notice.

At 7:45 p.m., a public hearing was held to hear comments regarding the 2006 Tentative Town Budget.

Supervisor Eagan opened the floor to the public.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to close the public hearing at 7:47 p.m.

five (5) Ayes Carried

Town Attorney Vacco stated that because the budget numbers and elected official salaries have not changed since the adopted tentative budget they did not need to be reread.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to approve the 2006 budget as presented.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to adopt the elected official salaries for 2006.

Councilman Mead Aye

Councilman Hopkins Nay

Councilman Simmeth Aye

Councilman Hawkins Nay

Supervisor Eagan Aye

three (3) Ayes two (2) Nays Carried

REQUESTS FROM THE FLOOR CONT'D:

Bill Forness, 8678 Boston State Road questioned Councilman Simmeth in regards to the spending practices of previous Highway Superintendents.

Councilman Simmeth stated that if there were misuse of funds, he was unaware of it.

Supervisor Eagan noted that the highway matter has already been investigated by the District Attorney's office. He also thanked Mr. Forness for qualifying his position in the casket matter.

Mr. Forness asked Councilman Simmeth to look into the dollar amounts of what really progressed in the Highway Department under certain former Highway Superintendent's. He also asked why a civil suit was never sought to recoup some of the cost.

Town Attorney Vacco stated that the money the town would have spent on a civil case and the years it would have taken to settle would have far outweighed what could have recouped.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to approve the following appointments to the Friday Night Recreation program:

Jen Boswell	Recreation Attendant	\$7.00
Bill Eagan	Recreation Attendant	\$7.00
Debbie Reinecke	Recreation Attendant	\$9.00
Mathew Struck	Sub Recreation Attendant	\$6.75
Kristine Ehlers	Recreation Attendant	\$7.00
Brady McWhirter	Recreation Attendant	\$7.00
Jason Telaak	Recreation Attendant	\$7.00
Jennifer Trim	Friday Recreation Director	\$9.00
Samantha Vara	Recreation Attendant	\$7.00

Terms effective immediately and will expire on December 31, 2005.

five (5) Ayes Carried

RESOLUTION 2005-26 ERIE COUNTY HIGHWAY SNOW REMOVAL CONTRACT

A motion was made by Councilman Mead and seconded by Councilman Hopkins to approve the request from Couzins, 7115 Boston State Road, for an additional night for live entertainment on November 11, 2005.

five (5) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Councilman Mead on the recommendation of the Planning Board to approve the Change of Use for Paul Przybylski at 8381 Boston State Road.

five (5) Ayes Carried

DEPARTMENT ANNOUNCEMENTS/ACTIONS

Received and filed the September and October monthly reports from the Recreation Director.

Supervisor Eagan congratulated the Hamburg Bulldogs Varsity Team for winning the Division Championship two years in a row.

Supervisor Eagan noted that there will be a Senior Service Public Hearing on Friday, November 4th from 1 pm -2:30 pm at the Hamburg Senior Center, 4150 Sowles Road.

Highway Superintendent Telaak reported that leaf pick up has begun in the sub-divisions.

Highway Superintendent Telaak stated that he is working on a DEC recycling grant for half of the cost of the leaf machine. Leaf pick up would continue until the snow falls.

Councilman Hopkins stated that the Planning Board asked that all persons with questions could call the town hall and request the phone number of Chairman Hacker. He also stated that the Planning Board is looking for two alternate members.

Town Clerk Shenk noted that in speaking with the Zoning Board chairman, they have decided that because of the small amount of request and the amount of space it would take up on the web page, that Zoning Board minutes will not be posted on the website.

Councilman Hawkins reported that clean up of 18 mile creek is still taking place in the Creekside Apartments.

Councilman Hawkins stated that as long as he is on the Board, he will never let anything be put in our parks that shouldn't be there.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:06 pm.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK