

Town Board Minutes November 5, 2008

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

Also Present: Highway Superintendent Telaak, Town Attorney Downey and Deputy Code Enforcement Officer Lisowski.

RESOLUTION 2008-23 INSTALL A STREET LIGHT AT PARK AND RIDE/BUS STOP, BETWEEN 7171 AND 7185 BOSTON STATE ROAD

RESOLUTION 2008-24 TO AUTHORIZE THE MUNICIPAL BORROWING AND LENDING OF EQUIPMENT

RESOLUTION 2008-25 OUT OF DISTRICT WATER CUSTOMER

RESOLUTION 2008-26 A RESOLUTION ESTABLISHING THE HIGHWAY TRUCK RESERVE FUND OF THE TOWN OF BOSTON UNDER §6-c OF THE GENERAL MUNICIPAL LAW

Supervisor Eagan read a letter from Highway Superintendent Telaak in regards to hiring a new employee to replace retiring employee, Eugene Rola.

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins to approve the minutes of the 10/15/08 meeting.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilwoman Maghran upon review by the Town Board that fund bills on the Abstract dated October 30, 2008, in the amount of \$144,795.59 be paid.

five (5) Ayes Carried

Received and filed notice from Governor Paterson's Office and Senator Volker's office in regards to the Public Health Law and the consolidation of Local Registrars of Vital Statistics.

Received and filed Town of Newstead Resolution in regards to its support of the agricultural industry and the protection of farmlands.

Received and filed Town of West Seneca Resolution in regards to the reduction of council members.

Supervisor Eagan noted a letter received from Keith Kaszubik in regards to snowplowing on Maple Grove Drive. This issue will be handled by Town Attorney Downey, Highway Superintendent Telaak and Councilman Pluta. They are instructed to report back to the Town Board after speaking with Mr. Kaszubik.

Larry Steward, Awards Program Chairman for the Boston Emergency Squad, thanked the Town Board and Boston residents for the positive vote on Proposition #1. All members of the Boston Emergency Squad are appreciative of the town's support. He hopes that this will encourage new members to join.

A Public Hearing was held at 7:40 p.m. to hear public comments regarding the 2009 Town of Boston Preliminary Budget.

Supervisor Eagan read the legal notice.

There were no public comments.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to close the Public Hearing at 7:42 p.m.

five (5) Ayes Carried

Bill Forness, 9534 West Hill Road, expressed his concern about requests from the floor being early on the agenda and residents having the opportunity to discuss items on the current agenda at a later time during the meeting. He asked if he could address the Town Board after the discussion on the Special Permit for Dumping of Material for Paul Reinecke.

The Town Board did not have a problem with that.

John Hartman, 6998 Boston Cross Road, stated that he lives adjacent to South Boston Park and was concerned about the gate being installed on the driveway. He stated that he preferred that it not be installed and that the driveway to the park is on his property. He feels that this gate would limit access to his property. He stated that he realizes there were issues with vandalism in the past, but that has not been an issue for quite a while.

Supervisor Eagan asked if he had a copy of his survey.

John Hartman proceeded to show the Town Board members a copy of his survey.

Supervisor Eagan instructed the town clerk to make copies of the survey.

Town Attorney Downey asked John Hartman if he had a search for his property and if he does he would like a copy of it.

Supervisor Eagan stated that Town Attorney Downey would be in contact with him to discuss and determine the correct measurements.

Received and filed Special Permit for the Dumping of Material from Paul Reinecke, 7010 Boston State Road.

Paul Reinecke, 7010 Boston State Road: I have a ten to fifteen foot drop off near my driveway, and I'm just trying to fill it in. It's a very dangerous situation right now. The pond would be something I would install in the future.

Councilman Pluta stated that the Town Board was not going to deny this permit; they were merely going to table it until further information was received. Councilman Pluta stated that there was some confusion on whether Paul Reinecke was trying to fill in 5 acres or just a small section.

Paul Reinecke: When you pull onto my driveway from Boston State Road, there are ten to twelve foot drop offs in spots.

Councilman Pluta stated that the Town Board needs clarification on the survey as to how much land is being filled in. This is why they were going to table it. Deputy Code Enforcement Officer Lisowski will contact him and verify the information for us. He stated that measurements need to be included.

Supervisor Eagan stated that no one was opposed; we need additional information.

Town Attorney Downey stated that if it's over one acre than an additional SPDES permit is required by NYS. Town Attorney Downey stated that it was in Paul Reinecke's best interest to talk further with the Code Enforcement Office.

Councilman Hawkins questioned whether if all he is doing right now is filling in the sides of his driveway to avoid any accidents or injuries why the Town Board can't approve that part of the permit tonight.

Councilman Pluta noted that he agreed with Councilman Hawkins and asked if the permit could be approved with contingencies so that the driveway part can be taken care of. He stated that an approval can be made with the condition that it's less than 1 acre and then Deputy Code Enforcement Officer Lisowski can approve it.

Supervisor Eagan stated that it has to be subject to TVGA's report. Supervisor Eagan requested that Paul Reinecke be given a copy of the report so he understands what information is still required.

Town Attorney Downey stated that TVGA reviewed the project as given to them. If there are any other concerns, you are almost doing a condition upon a condition. We will also need to make sure that he does not dump into the wetlands.

Supervisor Eagan noted that Paul Reinecke's driveway is several hundred feet away from the creek. He asked what part of the driveway was being worked on.

Paul Reinecke noted that it's about $\frac{3}{4}$ of the way back.

Councilman Pluta asked Town Attorney Downey if this request was given to TVGA only because of the size of the project. Would it have gone to TVGA if it were less than 1 acre?

Town Clerk Sherk noted that if there is a SEQR filed on the application, which is a requirement of this application, then it is referred to the Town Engineer.

Town Attorney Downey stated that some of these issues may be taken care of, but there may still be some actions that TVGA will want the applicant to take care of.

Supervisor Eagan stated that we just want to make sure that everything is done properly. He suggested that Paul Reinecke work with Deputy Code Enforcement Officer Lisowski. Supervisor Eagan stated that it shouldn't take long to respond to TVGA's issues.

Bill Forness, 9534 West Hill Road, stated that when he says ¾ he's definitely way up on the Boston State Road side. He's talking about being within one acre of disturbance and it's all parallel to Boston State Road. If he fills in the wetlands it's his responsibility.

Supervisor Eagan stated that the town can't issue a permit that pertains to the wetlands.

Bill Forness stated that if he accidentally fills in the wetlands, that's his issue.

Town Attorney Downey stated that he disagreed. He stated that there are actually two types of wetlands. This case right now is the only stakes that we are looking at. There are actually Federal in certain cases that comes into play. We are not allowed to give a permit that violates that.

Supervisor Eagan asked how big is the pond.

Paul Reinecke stated maybe a half acre. We were just talking about it for the future. I don't even have plans for that right now.

Deputy Code Enforcement Officer Lisowski stated that it would behoove Paul Reinecke to complete the driveway first than a year or two down the road work on the pond.

Councilwoman Dobson asked if a special meeting could be scheduled if all the issues are taken care of so he wouldn't have to wait two more weeks.

Supervisor Eagan stated yes, if we have to have a special meeting to get you the permit and you meet the conditions, we will do that.

Town Attorney Downey stated that Paul Reinecke should amend his application so that whatever you are talking about today should be reflected on your application as well as the SEQR form. This way you are protected because we know what we're approving. Completing the application correctly now will be better for all of us.

A motion was made by Councilman Hawkins and was seconded by Supervisor Eagan to accept the letter of resignation from Jonathan King from the Planning Board.

five (5) Ayes Carried

Councilwoman Maghran asked Town Clerk Sherk to place an ad for members for the volunteer boards.

RESOLUTION 2008-20 RECREATIONAL TRAILS PROGRAM

RESOLUTION 2008-21 SUPPORT ERIE COUNTY CORE FUNDING FOR THE ERIE COUNTY SOIL & WATER CONSERVATION DISTRICT

RESOLUTION 2008-22 UNPAID BILLS

A motion was made by Councilwoman Maghran and seconded by Councilman Hawkins, on the recommendation of the Planning Board, to approve the As Built Site Plan for Kids Country Child Care, 7346 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilwoman Maghran, on the recommendation of the Planning Board, to approve the final Site Plan for Glad You're Hair, 7166 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilman Pluta and was seconded by Councilman Hawkins upon the recommendation of the Conservation Advisory Council to appoint Joseph Hynes, term to expire 3/1/2010.

five (5) Ayes Carried

Received and filed monthly reports from the Code Enforcement Officers.

Supervisor Eagan stated that SHPO has given clearance to begin the construction of the NYS Trooper's Barracks. Supervisor Eagan will be meeting with Town Engineers and some of the contractors involved to discuss a schedule for construction. He stated that he would like Town Attorney Downey in attendance.

Supervisor Eagan noted that with grant money and matching town funds a new walkway has been installed along the memorial walk in the town park. There will also be some handicap parking spaces installed there as well. The new stairs on the front of the building have been recently completed and the back entrance is being totally renovated with new sidewalks and entrance to accommodate handicapped accessibility for all. The walkway between the Boston Square Apartments and North Boston Market will be repaired.

Supervisor Eagan read a letter from Assemblyman Quinn in regards to the current NYS budget situation.

Highway Superintendent Telaak asked for Town Board approval to clean culverts in the Hickory Meadows Subdivision.

A motion was made by Councilman Hawkins and was seconded by Supervisor Eagan to allow Highway Superintendent Telaak to clean culverts in the Hickory Meadows Subdivision.

five (5) Ayes Carried

Highway Superintendent Telaak stated that leaf pickup will continue until it snows. He noted that the Christmas lights are scheduled to be put up on November 13th and 14th. Volunteers are needed. If anyone is interested in volunteering, please call Cathy Maghran. Highway Superintendent Telaak stated that Hamburg Highway Superintendent, Jim Connolly, will ask his Town Board to pass a resolution allowing the Town of Boston to borrow a bucket truck and manpower to help put up the lights.

Councilwoman Maghran noted that Herb Klein has offered to have a group of people help him install the Christmas light silhouettes along with the manger.

Highway Superintendent Telaak noted that no bids were received for the surplus wood. An additional display ad will be placed in the Pennysaver.

Highway Superintendent Telaak noted that the highway department has had ten workers for the past fifteen years, but only nine workers for the past four years. He also noted that adding one more person will really affect the way we do our work in a safe and timely manner. He stated that eight workers are not enough for plowing and completing all the services. He hopes to hire one more person.

A motion was made by Councilman Pluta and was seconded by Supervisor Eagan to instruct Town Engineer TVGA to inspect the foundation of the Historical Society Building and report back to the Town Board.

five (5) Ayes Carried

Councilwoman Maghran thanked Town Clerk Shenk for helping her obtain a voting machine for Kids Voting at Boston Valley Elementary School. She also noted that an ad will be placed in the papers asking residents to report any problems with street lights.

Councilwoman Dobson congratulated the Boston Emergency Squad for the passing of the Proposition. She also noted that the new ambulance is now in service.

A motion was made by Councilwoman Dobson and was seconded by Supervisor Eagan to instruct Highway Superintendent Telaak to contact the canvas company to arrange a meeting for instruction of how to remove the canvas from the lion's shelter and store them properly until next spring.

five (5) Ayes Carried

Town Clerk Shenk noted that there might be enough space in the old voting machine room in the Recreation storage building.

Councilman Hawkins noted that Thursday, November 6th at 7 p.m. Mark Gaston from Erie County Soil and Water will hold a meeting to talk to residents living along 18-Mile Creek about the projects in progress and what can be done about tree removal from the creek.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 8:20 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK