

Town Board Minutes October 15, 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, Code Enforcement Officer Ferguson and Deputy Code Enforcement Officer Lisowski.

A motion was made by Supervisor Eagan and was seconded by Councilwoman Maghran to authorize Supervisor Eagan to sign the letter of agreement dated October 14, 2008 between National Grid and the Town of Boston.

five (5) Ayes Carried

A motion was made by Councilman Pluta and was seconded by Councilman Hawkins to approve the minutes of the 10/1/08 meeting.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Supervisor Eagan upon review by the Town Board that fund bills on the Abstract dated October 9, 2008, minus voucher #705 in the amount of \$3,000 and voucher #691 in the amount of \$4,175, for a new total of \$71,604.78 be paid.

five (5) Ayes Carried

Received and filed notice from Erie County Highway Department in regards to increasing the Trevett Road Load Limit Posting.

Received and filed notice from Erie County Legislature in regards to Agricultural District inclusion.

A motion was made by Supervisor Eagan and seconded by Councilwoman Maghran to appoint Alexandra Koch to the Boston Emergency Squad and will continue until such time as resignation, removal, or replacement.

five (5) Ayes Carried

The following bids for two 2009 5500 or equivalent trucks were opened on October 7, 2008 at 10 a.m.

Company	Price Per Unit	Price for Two
West Herr Ford	\$35,621.00	\$71,242.00
Fleet Maintenance, Inc.	\$40,212.00	\$80,424.00
Emerling Chevrolet	\$46,547.00	\$93,094.00
With Timbren Boosters	\$94,826.00	

The following bid for two dump boxes, plows, wings and sanders for two 2009 5500 or equivalent trucks were opened on October 7, 2008 at 10 a.m.

Company	Price Per Unit	Price for Two
Valley Fab & Equipment, Inc.	\$49,633.00	\$99,266.00

Supervisor Eagan received and filed a letter from Highway Superintendent Telaak recommending that Fleet Maintenance receive the bid for a total cost of \$80,424.00. Highway Superintendent Telaak stated that he was aware that West Herr Ford was the lowest bidder but they did not meet the required specifications.

Supervisor Eagan received and filed a letter from West Herr Ford, which stated as follows: "The Ford F550 Diesel Drivetrain does not have a manual Exhaust Brake, however Engine Braking is automatically provided by the EVRT, "Electronic Variable Response Turbo" and the Tow Haul Mode of the Auto Transmission. Both of these features provide less wear and tear on the brake system in Hilly Terrain as well as providing ample power in the Hill Climbs. We can provide a Road Test Vehicle with these Drivetrain Features."

Highway Superintendent Telaak requested that if the Town Board was not going to accept his recommendation that they hold off on awarding the bid until additional literature is obtained. Highway Superintendent Telaak suggested that the equivalent truck should be brought out for a test drive to make sure that it is equal to the other trucks. If the truck is not equal, the submitted bids should be discarded and the town should purchase the 4500 off state bid, which is cheaper than any of the bids currently submitted.

Supervisor Eagan asked Highway Superintendent Telaak if the 4500 was the Dodge truck he wanted.

Highway Superintendent Telaak stated yes.

Supervisor Eagan asked the members of the Town Board if they wanted to move forward with a drive test of the West Herr Ford vehicle.

There were no responses from the other Town Board members.

A motion was made by Councilwoman Dobson and was seconded by Councilman Hawkins to award bid for two 2009 5500 or equivalent trucks to West Herr Ford at a cost of \$71,242.00 and the two dump boxes, plows, wings and sanders for the aforementioned trucks to Valley Fab & Equipment, Inc. at a cost of \$99,266.00.

five (5) Ayes Carried

At 7:40 p.m. a Public Hearing was held to hear comments regarding the use of Federal Community Development Funds in the Town of Boston.

Supervisor Eagan read the legal notice.

Town Clerk Shenk noted there were no requests received in writing.

Supervisor Eagan noted there was no one from the public in attendance.

A motion was made by Supervisor Eagan and was seconded by Councilman Pluta to close the public hearing at 7:43 p.m.

five (5) Ayes Carried

RESOLUTION 2008-19 ERIE COUNTY COMMUNITY BLOCK GRANT REQUESTS

Supervisor Eagan stated that he has had discussion with the Deputy Code Enforcement Officer Lisowski in regards to the Special Permit for Dumping of Materials for Emerling Chevrolet, 9000 Boston State Road. Both Deputy Code Enforcement Officer Lisowski and TVGA have spoken with Emerling Chevrolet and they are gathering additional information that is needed for them to proceed.

Supervisor Eagan noted that Emerling Chevrolet paid the late application fee of \$250.

A motion was made by Supervisor Eagan and seconded by Councilman Pluta to approve the following 2009 schedule of proposed salaries for the elected Town Officials:

Supervisor \$28,300
(4) Councilman \$ 7,770
Town Clerk \$43,515
(2) Town Justices \$14,455
Superintendent of Highways \$49,918

five (5) Ayes Carried

Received and filed monthly reports from the Supervisor, Town Clerk, Code Enforcement Officers and Dog Control Officers.

Supervisor Eagan stated that the report from the archeological firm has been filed with SHPO and the request was made to release the designated area for the NYS Trooper Barracks. Supervisor Eagan stated that he is in regular contact with NYS Trooper officials and they are looking forward to the new building. There has no indication of the contrary.

Supervisor Eagan stated he met with Erie County Legislator Reynolds, Nussbaumer & Clarke and Erie County Highway officials regarding the East Hill Water Project. He stated the town will furnish them with drawings for review. All three water project were submitted to USDA Rural Development and are in phase two of the review process. Erie County Health Department and Erie County Water Authority also have to sign off on the plans.

Supervisor Eagan stated that the Town Board and Town Attorney Downey have done extensive research regarding the bidding of the trucks. Everyone, including Highway Superintendent Telaak, wanted to ensure that we complied with the law. We put this out to bid so Emerling Chevrolet would also have the ability to bid. The Town Board felt that it would be an injustice not to give them the opportunity to bid. Fortunately, the law also dictates that we open the bidding up to all truck manufacturers that can meet the specifications or equivalent. The Town Board has always promoted a fair and open process and this is an example of that.

Highway Superintendent Telaak stated that the brush pickup will end Friday, October 17th. Leaf pick up will begin in the sub divisions and will continue until the snow flies.

Highway Superintendent Telaak stated that at Highway Superintendent School they mentioned that brush and leaf pick up should be a general fund charge and recommends that it be added to the budget for 2009.

Highway Superintendent Telaak stated that he was told it was his job to prepare the bid specifications for the trucks. The Ford trucks did not meet our specs. He feels that no decision should have been made until they test drive them.

Supervisor Eagan asked Highway Superintendent Telaak when he would be able to get the drainage issue on Kevinton Place rectified.

Highway Superintendent Telaak stated that there have been several conversations with Bruce Britton (Marianne Zukic), 6459 Kevinton Pl., and he wants something else dug up on the property. He was supposed to contact Supervisor Eagan about that issue.

Supervisor Eagan stated that Bruce Britton did call and informed him that he spoke with Deputy Highway Superintendent Rogers and discussed the additional work that needed to be done. Bruce Britton offered to rent the equipment that was needed at his own expense and allow the town to use it, which would help to tie in his drainage coming from his sump hole in his house. It doesn't make much sense for the town to do the digging one day and then he digs another day for his own project. It makes more sense for everyone to work on these projects at the same time. Bruce Britton and Deputy Highway Superintendent Rogers agreed that the work should coincide.

Highway Superintendent Telaak reiterated that he is being told to use an excavator, rented by the homeowner to drain the basement drain across the neighbor's yard. Highway Superintendent Telaak asked if the Town Board was giving him the order to dig a line to drain Bruce Britton's basement.

Supervisor Eagan stated that Bruce Britton has an easement that goes across the property. Supervisor Eagan asked Highway Superintendent Telaak if there was a public walkway between Vara's and Britton's properties.

Highway Superintendent Telaak stated yes.

Supervisor Eagan: Did you confirm that several years ago, under former Highway Superintendent Kreitzbender that the town had Dana Darling come out and install a drainage system there?

Highway Superintendent Telaak: Yes.

Supervisor Eagan: Bruce Britton is offering to pay the rental cost for the equipment needed to dig those lines. Supervisor Eagan stated that he is not asking Highway Superintendent Telaak to touch his sump pump.

Highway Superintendent Telaak: That is the drain that he is talking about.

Supervisor Eagan: His drain crosses a public walkway and he is allowing us to tap into it.

Highway Superintendent Telaak: The drain is plugged up and needs to be replaced, but it is very deep and goes all the way across. It's not the little drain that Dana put in, that one is only about 6 inches deep. What he wants done is a major project. It's the drain from his basement.

Supervisor Eagan: He's not asking the town to take this deal just for the sake of taking it. His conversation with Larry was to try and work everything in unison. If he's paying for the rental equipment and he's willing to bring the line from his house to that path, what is wrong with us picking it up and running it to the creek or wherever it dumps out.

Highway Superintendent Telaak: If you give me the order to dig that line I will dig it.

Supervisor Eagan: We've already told you to fix it. We are not asking you to do the plumbing in anyone's house. We are not asking you to fix the drainage problem on his property. He's offering to pay over \$500 for the rental equipment to do this ditch and is allowing the town to take its run-off water and dump it into his line as long as the town takes it from the path to the creek.

Councilman Pluta: Does the present town line have to be repaired and do highway employees have to go on private property?

Supervisor Eagan: He has an easement, which will allow us on his property.

Councilman Pluta: Do we have to go on that easement to fix our problem?

Supervisor Eagan: I don't know if we have an easement to go that far.

Councilman Pluta: How do you propose to fix our problem?

Highway Superintendent Telaak: Our pipe is approximately 6 inches to a foot under the ground. We have to tie into where Dana Darling ended it, run it down the easement and dump it off in the ditch. Our easement is already there.

Supervisor Eagan asked Deputy Highway Superintendent Rogers where Mr. Britton's easement goes to.

Deputy Highway Superintendent Rogers stated that he assumed it was the walkway between the two properties.

Supervisor Eagan stated that he has a permanent easement; it's in his deed. Is it your understanding that his drainage goes to that path and runs down the drainage ditch?

Deputy Highway Superintendent Rogers: It crosses it and dumps into the ditch. The difference between just draining that waterway, which is a relatively shallow dig and could be done with a \$150 machine versus a \$500 machine and could be days of labor versus hours of labor.

Supervisor Eagan: Even though the town is not paying for the machine.

Deputy Highway Superintendent Rogers: It still could be days of labor.

Supervisor Eagan suggested that someone need to get back to Bruce Britton.

Councilman Pluta: If we can repair it and there is not additional cost to the town than I don't have a problem, but if it's going to cost us more, then no.

Deputy Highway Superintendent Rogers: We didn't want to run our line at 18 inches deep and then he does his at five feet deep and just rip ours out. He might as well install his and when he's done, we can do ours.

Supervisor Eagan: It would be beneficial to wait until his job is done before we begin ours.

Supervisor Eagan stated that he would get back to Bruce Britton and let him know that he should proceed on his own and someone should call Gary Vara and fill him in.

Councilman Pluta noted that he met with residents of the Boston Commons and had a discussion about the proposed work to be done at the commons.

Councilwoman Maghran noted that the Holiday Lighting Committee met on Tuesday, October 14th at 7 p.m. Highway Superintendent Telaak has set November 13 and 14 weather permitting, for the installation of the decorations and have agreed to try and request from neighboring towns the use of a bucket truck. Scheduled removal dates are January 5 & 6, weather permitting.

Councilwoman Maghran noted that the Planning Board would like the Town Board to advertise for a new Town Planner for 2009.

Councilwoman Dobson stated that on October 19th the North Boston Fire Company will be hosting its Pork Dinner.

A motion was made by Councilwoman Dobson and was seconded by Councilman Hawkins that the Code Enforcement Department give a copy of all Special Use Permits to the Assessor.

five (5) Ayes Carried

Councilwoman Dobson noted that she made the motion for the truck bid because of several conversations with Highway Superintendent Telaak. She feels that it would be bad business to just throw away the bids that were received because he wasn't happy with the lowest bidder. The 4500 were never an option until today. She noted that the bids were made as fair as possible and doesn't feel that we could now just throw them away.

Councilman Hawkins noted that there would be a hearing in regards to Eighteen Mile creek on Thursday, November 6th at 7:00 p.m. A notice was mailed out to concerned residents.

A motion was made by Councilman Hawkins and seconded by Supervisor Eagan to adjourn the meeting at 8:02 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK