

## Town Board Minutes October 18, 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.

Florence Wendling, St. John the Baptist Church, opened the meeting with a prayer.

Received and filed a recommendation on the revised addendum to the Draft Environmental Impact Statement (DEIS) from Foit Albert Associates for the Darling Rezoning/Creekfield Subdivision project.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins, upon the recommendation of the Town Engineer, to accept the Revised Addendum to the Draft DEIS for the Darling Rezoning/Creekfield Subdivision project.

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins, upon determination that it is in the public's best interest, to schedule a public hearing on November 15, 2006 at 7:00 p.m. to hear comments on the Revised Addendum to the Draft DEIS for the Darling Rezoning/Creekfield Subdivision project.

five (5) Ayes    Carried

Town Attorney Downey reported that 9739 Trevett Road (SBL# 258.00-3-23.1) and 9761 Trevett Road (SBL#258.00-3-21.1) were colored incorrectly on the official zoning map approximately fifteen years ago.

A motion was made by Councilman Mead and seconded by Supervisor Eagan, upon the recommendation of Town Attorney Downey, to name the Town Board as Lead Agency for proposed Local Laws #2 and #3 of the year 2006.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to schedule a Public Hearing for November 15, 2006 at 7:45 p.m. for proposed Local Law No. 2 of the year 2006 to change the zoning at 9739 Trevett Road from M-2 to R-A.

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Supervisor Eagan to schedule a Public Hearing for November 15, 2006 at 7:50 p.m. for proposed Local Law No. 3 of the year 2006 to change the zoning at 9761 Trevett Road from R-A to M-2.

five (5) Ayes Carried

#### RESOLUTION 2006-30 SHARED MUNICIPAL SERVICES INCENTIVE GRANT

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adopt the minutes of the October 4, 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, minus \$228 from Voucher # 742, that fund bills on the Abstract dated October 12, 2006 in the amount of \$111,921.22 be paid.

five (5) Ayes Carried

Received and filed a letter from Frank and Priscilla Sholtez opposing regionalizing EMS services.

Councilwoman Dobson clarified that regionalizing the Boston Emergency Squad and the Boston Fire Companies service has never been in question.

Received and filed a petition of 179 signatures from the Boston Senior Citizens in support of retaining Hamburg Fire Control as the dispatching service for the Town of Boston's fire companies and emergency squad.

Received and filed notification of a Public Hearing on October 31, 2006 from the Erie County Health Department regarding revisions to the Erie County Sanitary Code.

#### REQUESTS FROM FLOOR

James Reichert, 6706 East Hillcroft Drive, noted that in the last three months he hasn't noticed work being done to correct drainage problems. He read a certified letter sent October 18, 2006 to the Town Clerk and Supervisor serving notice of his intent to pursue civil action for any and all personal and/or property damages suffered as a result of storm water flooding on his property.

Rhonda Davis, 6748 Hillcroft Drive, thanked Supervisor Eagan for calling and clarifying the plan for the back ditch on their property.

Jim Davis, 6748 Hillcroft Drive, offered to share his ideas for solving the drainage issues.

Supervisor Eagan suggested that recommendations be forwarded to the Town Engineers.

At 7:45 p.m. a Public Hearing was held to hear comments regarding an unsafe building at 6588 Hillside Drive.

Supervisor Eagan read the legal notice.

There were no comments.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to close the Public Hearing at 7:46 p.m.

five (5) Ayes Carried

REQUESTS FROM FLOOR (cont.):

James and Rhonda Davis presented the Town Board with photographs and a proposal to correct drainage problems.

At 7:50 p.m. a Public Hearing was held to hear comments regarding an unsafe building at 7161 Abbott Road.

Supervisor Eagan read the legal notice.

Jeff Bachert, 21 Metzger Drive, Orchard Park, owner of the property at 7161 Abbott Road, noted he is working on the house and plans to sell it.

Councilman Hawkins inquired as to how long it would take.

Jeff Bachert replied that it may be completed sometime this fall.

Councilman Hopkins asked if he notified the Code Enforcement officers.

Jeff Bachert responded that he has been in contact with Deputy Code Enforcement Officer Juda.

Code Enforcement Officer Juda commented that he is cooperating.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to close the Public Hearing at 7:54 p.m.

five (5) Ayes Carried

At 7:55 p.m. a Public Hearing was held to hear comments regarding an unsafe building at 6892 Boston Cross Road.

Supervisor Eagan read the legal notice.

Councilman Hawkins inquired if Code Enforcement Officer Lisowski has knowledge of parties interested in purchasing this property.

Code Enforcement Officer Lisowski responded that the owner was informed that the adjoining neighbor voiced interest in purchasing the property.

Councilman Hopkins confirmed with Code Enforcement Officer Lisowski that the property is boarded up.

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to close the Public Hearing at 7:59 p.m.

five (5) Ayes Carried

#### REQUESTS FROM FLOOR (cont.):

Jim Davis described details in the photos presented to the Town Board.

Rhonda Davis noted that it would be more cost effective to install bigger pipes underneath Hillcroft than to run pipes under their and their neighbor's driveways.

Superintendent Telaak commented that the water, sewer, and gas mains would all have to be lowered if a bigger pipe was installed. The most crucial place for a ditch on Hillcroft is the south side as recommended by the Town Engineer.

Supervisor Eagan noted that we have an engineering firm to tell us the way things should be done. Suggestions from residents will be passed to our engineers.

Councilman Hawkins asked Jim Davis what his response would be if the town engineers determined that they couldn't go any lower to install larger pipes and recommended that a ditch be installed in front of his property.

Jim Davis responded that he would probably hire an engineer to find a second opinion. The size of the original pipe there was even bigger.

Supervisor Eagan noted there was still flooding.

Jim Davis detailed a piping system.

Councilman Mead commented that we should schedule a meeting with the engineers and invite concerned residents to discuss drainage issues.

Supervisor Eagan responded they would schedule a meeting soon.

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson, on the recommendation of the Boston Emergency Squad, to appoint Jonathan Roehner and Tiffany Koch to the Boston Emergency Squad, until such time as Resignation, Removal or Replacement.

five (5) Ayes    Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve the following transfer of appropriations:

GENERAL FUND

FROM: Acct.

Appropriations A960	47,800.00	
Contingency 1990.4	_____	47,800.00

Total 47,800.00 47,800.00

TO: Acct.

Appropriation A960 47,800.00

Attorney-Contractual 1420.4 3,500.00

Engineer-Contractual 1440.4 30,500.00

Unallocated Insurance 1910.4 1,650.00

Parks-Contractual 7110.4 6,000.00

Zoning-Per.Svc. 8010.1 650.00

Unemployment Insurance 9050.8 5,500.00

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Total 47,800.00 47,800.00

HIGHWAY FUND

FROM: Acct.

Appropriations D960 43,000.00

Estimated Revenues    D5104   30,000.00

State Aid (Chips)        3501    30,000.00

Snow Removal-Town-Contr.    5142.4   21,500.00

Svc.For Other Gov?nt-Snow-cont 5148.4   21,500.00

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Total    73,000.00        73,000.00

TO:    Acct.

Appropriation   D960    73,000.00

Capital Outlay   5112.2   35,000.00

Machinery - Equip.        5130.2   38,000.00

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Total    73,000.00        73,000.00

five (5) Ayes    Carried

RESOLUTION 2006-29    SHARED MUNICIPAL HIGHWAY SERVICES

INCENTIVE GRANT

RESOLUTION 2006-28    ERIE COMMUNITY DEVELOPMENT BLOCK

GRANT REQUESTS

DEPARTMENT ANNOUNCEMENTS / ACTIONS

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

Supervisor Eagan reported that the Boston Library is having a Fundraiser on October 29th.

Supervisor Eagan commended the Highway Department for helping the Village of Hamburg during the recent storm.

Town Clerk Shenk announced Executive Order No. 146.1 was signed by Governor Pataki to extend the due date for school taxes in Erie County to Monday, October 23rd.

Town Clerk Shenk reported that Erie County Legislature has declared that during the month of November certain town property owners may make application to have their property included into a certified Agricultural District.

Highway Superintendent Telaak announced that brush pick-up is still going on and leaf pick-up is going well.

Highway Superintendent Telaak reported that Rice Road paving is completed. He thanked the towns of Eden, Collins, Colden and Concord for their help.

Councilman Mead suggested we work with the county and trim the trees away from wires on county roads.

Councilwoman Dobson reported that the Town of Boston has not made any decision to remove our service from Hamburg Fire Control for dispatching to Erie County. As a Town Board we are obligated to review our choices. If there is a cost savings for the same level of service we will investigate our choices.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to adjourn the meeting at 8:28 p.m.

five (5) Ayes Carried

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DAVID J. SHENK, TOWN CLERK