

Town Board Minutes October 19, 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, Deputy Town Attorney Metzger, Deputy Code Enforcement Officer Lisowski, and Code Enforcement Officer Kramer.

PROCLAMATION DAVID SMOLINSKI

RESOLUTION 2005-24 IN SUPPORT OF IMPLEMENTING NEW MEASURES FOR FINANCING PUBLIC EDUCATION

A motion was made by Councilman Mead and seconded by Supervisor Eagan to approve voucher # 708 in the amount of \$290.05.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to approve the four-year buy back to the Boston Emergency Squad service award program of Donna Odoj.

five (5) Ayes Carried

Supervisor Eagan announced that Congressman Higgins' office informed him that the landlord of the North Boston Post Office has made improvements to the air quality issue and the Post office should be reopened the first or second week of November.

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to adopt the minutes of the October 5, 2005 regular meeting.

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 13, 2005 in the amount of \$99,511.17 be paid.

five (5) Ayes Carried

At 7:40 p.m. a Public Hearing was held to hear comments regarding the Erie County Community Development Block Grant.

Supervisor Eagan stated that each year the Town Board reviews and looks to the public for suggestions on what to apply for in terms of Community Development Block Grant money. Grant Writer, Connie Miner has worked with Mark Lee from Erie County to look at some of the Board's suggestion, one of which was to replace the sidewalks in the South Boston Commons area. The other item presented to us is a walkway to the David Finger Memorial in the Boston Town Park. It is obvious that a person with a disability would have a hard time getting to that memorial. He stated that in the past the town has been fortunate to receive the maximum in grant money, which has helped with the erosion issues on Wildwood Drive. He also gave an overview of previous applications made by the Town Board.

Gail Hanley, 5622 Northside Drive: Does this include the request regarding the Creekside Subdivision drainage issues? Is this being considered also?

Councilman Simmeth stated in a letter from Grant Writer, Connie Miner that after two mailings to Creekside residents, only 89 income surveys were returned and suggested that this project be tabled due to the lack of responses.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to close the public hearing at 7:46 p.m.

five (5) Ayes Carried

Supervisor Eagan read the public notice.

At 7:46 p.m. a Public Hearing was held to hear comments regarding the application from Upstate Cellular Network, DBA Verizon Wireless for a Special Permit for Co-Location to a Telecommunications Tower at 6405 Ward Road.

Town Clerk Shenk stated that the notice for Upstate Cellular Network was sent to 12 Orchard Park property owners, the Tower owner, the Property Owner, 26 Boston Property owners, and the applicant.

Daniel Silver, Verizon Wireless Representative asked if the Board had any questions.

Councilman Simmeth asked if this would provide better service to Town of Boston residents.

Mr. Silver: It is designed to cover the areas of North Boston where there is currently a hole in the service coverage, but provides service to all of Boston.

Councilman Simmeth asked if it covered the 219 Expressway into Orchard Park.

Mr. Silver: It is supposed to cover the 219, Rt. 391, and Rt. 277. It is directed at those highways but also the residences in and around those areas.

Councilman Simmeth asked if there would be any changes in services along Boston State Road to anticipate with the Propagation studies.

Mr. Silver: Yes.

Town Clerk Shenk read a letter from the Planning Board recommending approval for the special permit application from Verizon Wireless.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to close the public hearing at 7:51 p.m.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to designate the Town of Boston as lead agency and declare a Negative Declaration on the Special Permit application of Verizon Wireless for a telecommunication tower at 6405 Ward Road and that there be no negative impacts on the environment if this application is approved.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan to approve the special permit from Verizon Wireless for Co-location to a telecommunication tower at 6405 Ward Road.

five (5) Ayes Carried

RESOLUTION 2005-23 ERIE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS

A motion was made by Councilman Simmeth and seconded by Councilman Hopkins to authorize Supervisor Eagan to direct Foit-Albert to obtain estimates for sidewalks and a handicap walkway.

five (5) Ayes Carried

Received and filed notification of a Liquor License Application from Brick Oven South, 8936 Boston State Road.

Received and filed notification of a Liquor License Renewal from Couzins, 7115 Boston State Road.

REQUESTS FROM THE FLOOR

Gail Hanley, 5622 Northside Drive: There are a group of approximately six neighbors in the Creekside subdivision who would like to install some drain tile, but there is no where to drain the water to. Councilman Simmeth mentioned that there might be a possibility to tie into the Town's system if a receiver is installed.

Councilman Simmeth stated that the Town Engineer is getting quotes on running a line.

He also noted that the town needs a firm commitment from the residents that once that line goes in, they will tap into it in order to fix the problems.

Carl Borowicz, 7108 Liebler Road asked what progress was made in regards to the resident at 7118 Liebler Road.

Deputy Town Attorney Metzger gave a brief history regarding the non-compliance issue with the resident at 7118 Liebler Road. He stated that once there is a guilty plea, the sentencing is totally at the discretion of the Town Justice, which the Town Board has no control over.

Carl Borowicz questioned why the Zoning Board meeting minutes are not posted on the Town's website. He feels these minutes are a vital part of the town's procedures on various properties.

Town Clerk Shenk stated that when he, the Web Master and the Technology Committee decided to put minutes/agendas on the Town web page, the Zoning Board was not interested. He stated that he would bring it to the attention of the Zoning Board of Appeals Chairman.

Herbert H. Klein, 7690 Back Creek Road: In furthering your discussion on the North Boston Post Office, I have been in contact with Keith Coleman of the main post office. I also received a packet advising me that one way of getting the post office reopened was to get the community involved and circulate a petition. I had planned on calling a meeting to do this. Mr. Coleman's office called me today and said the post office will re-open on November 12th.

David Stringfellow, 7928 Hywood Drive: It is my understanding that Erie County is proposing to take over the dispatching of emergency services in town. I would like to say that Erie County is barely a functional government. I cannot think of anything worse than to put that responsibility in their hands.

Supervisor Eagan stated that there is no commitment from the Town Board and it is strictly research at this point. The operation that is proposed has been going on in Monroe County for 20 years and has served the public well. Our annual bill from Hamburg Fire Control is approximately \$48,000, and we have a responsibility to explore all avenues if we could save money. We invited our emergency personnel to the county presentation on Monday to ask questions and be part of the process.

Councilman Hopkins noted that there is a lot of backing and help from New York State.

Jim Pluta, Chief Patchin Fire Company: I want the residents of Boston to know that there is no way we would switch unless we were very comfortable in the dispatching service. Ninety percent of the revenues for this dispatch center come from 911 surcharges. This is dedicated funding that the county cannot touch. This is very preliminary. We would not switch unless we were very comfortable.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to table the request for live entertainment for Nana's Nook until the November 2, 2005 Town Board meeting.

five (5) Ayes Carried

RESOLUTION 2005-22 UNPAID BILLS

Received a recommendation from the Boston Planning Board recommending approval of the revised site plan for 7336 Boston State Road, The Hodgson Agency.

A motion was made by Councilman Hopkins and seconded by Councilman Mead on the recommendation of the Planning Board to approve the revised site plan for 7336 Boston State Road, The Hodgson Agency.

five (5) Ayes Carried

DEPARTMENT ANNOUNCEMENTS/ACTIONS

Received and filed a monthly report from the Supervisor, Town Justices, Code Enforcement Officers, Dog Control Officers, and Town Engineer.

Supervisor Eagan stated he, Councilman Hawkins and Congressman Higgins toured the 18-mile creek from North Boston to South Boston. Erie County Soil and Water have started removing the logjam behind the Creekside Apartments and then will move to Back Creek and Colonial Drive. Congressman Higgins was surprised at the degree of seriousness of our erosion problems. He also had discussions with some of the residents. The Town Board has discussed at a Capital Improvements Meeting the idea of putting \$150,000 of surplus funds on the table with the intent of showing the State and Federal Government that we have every intent and means to see this project through. We are asking them to match it or beat it. We were quoted \$477,000 in 2002 to correct the problem. Congressman Higgins has promised his support.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to direct Town Attorney Vacco to prepare a resolution to the County Attorney of the hazards of 18-Mile creek.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Town Clerk's Monthly Report for September 2005.

five (5) Ayes Carried

Town Clerk Shenk announced that flu shots would be available in the Court Room on Friday, October 28 from 10 a.m. to 4 p.m. No appointments necessary.

Highway Superintendent Telaak reported on various projects being worked on throughout the town. He noted that leaf pick up has begun in the subdivisions.

Councilman Hopkins noted that he would discuss the Hickory Meadows drainage issues with the Planning Board and if they are all in agreement will invite the Emerling's and Highway Superintendent Telaak to attend a Planning Board meeting to discuss this issue.

RESOLUTION 2005-25 APPROVE THE ANNUAL COSTS AND CONNECTION OF STREET LIGHTS IN HICKORY MEADOWS SUBDIVISION

Councilman Simmeth stated that the town engineer wanted \$15,000 to complete this project. He, Town Clerk Shenk and New York State Electric and Gas completed it at no cost.

Councilman Hawkins stated that he has been observing the clean up of 18-mile creek in the Creekside Subdivision.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to adjourn the meeting at 8:32 pm.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK