

Town Board Minutes October 7, 2009

Present: Supervisor Richard K. Hawkins, Councilman David Ruzzine, Councilwomen Cathleen Dobson and Cathy A. Maghran.

Excused: Councilman James E. Pluta.

Also Present: Town Attorney Downey.

Rev. Ronald Sprehe, St. Martin's Lutheran Church opened the meeting with a prayer.

A motion was made by Councilwoman Dobson and was seconded by Councilwoman Maghran to approve the following expenditures for the NYS Troopers Barracks.

CorCraft Ultra Frame	\$ 6,821.88
CoreCraft Furniture	\$18,172.33
Davies/Versteel Tables	\$ 1,783.00
Davies/Citidon Seating	\$ 5,449.92
Business Environmental/Chairs	\$ 3,764.81

Total \$35,991.94

With the accompanying overage of \$166.94 as long as the NYS Troopers agree in writing to reduce the budget for the lockers by \$166.94.

Also approve the purchase of 50 lockers from CorCraft @ \$194.60 each for a total of \$9,730.00.

four (4) Ayes Carried

The purchase of the swing arm camera will be handled through Supervisor Hawkins because board approval will not be necessary.

Councilwoman Dobson noted these prices come from the NYS Bid List. This furniture purchase is required per the new lease with the NYS Troopers.

A motion was made by Councilwoman Maghran and was seconded by Supervisor Hawkins to authorize TVGA to prepare the bid specifications for the new EMS/Parks building roof.

four (4) Ayes Carried

Councilwoman Maghran noted that Town Attorney Downey is reviewing the letters received for out-of-district water hook-ups.

A motion was made by Supervisor Hawkins and seconded by Councilwoman Maghran to approve the minutes of 9/16/09.

four (4) Ayes Carried

A motion was made by Councilwoman Dobson and seconded by Supervisor Hawkins, upon review by the Town Board, that fund bills on the Abstract dated October 1, 2009 in the amount of \$343,309.22 be paid.

four (4) Ayes Carried

Received and filed Resolutions from Village of Depew, Towns of Lancaster and Marilla regarding New York State Bid Pricing for Salt.

Supervisor Hawkins noted that this board has previously adopted a similar resolution.

Received and filed Town of Cheektowaga Resolution in Opposition to increases in Credit Card Rates.

Kevin Hess, 6657 Redwing Drive, noted there is a drainage issue at the base of Pinehurst and Maplawn Drives. He stated that the ditch ends there. He believes that the ditch used to be in front of 8702 Maplawn Drive and should be restored. He submitted a FOIL request to view the original drainage plans for this sub-division to Supervisor Hawkins.

Highway Superintendent Telaak noted that he is familiar with this situation and stated that several years ago one of the previous owners put top soil there which caused the area to be raised. This forced the water toward the Hess property. Highway Superintendent Telaak stated that he did not understand why this was done.

Supervisor Hawkins noted that he would search for the old drainage plan. Past practice has been if the homeowner pays for the pipe the Highway Department will install it.

Nick Doyle, 8702 Maplawn Drive, submitted current pictures of the drainage area in question.

Councilwoman Dobson noted that the Town Board does not have the authority to control what Highway Superintendent Telaak does within the town right-of-ways.

Town Attorney Downey stated that NYS Highway Law gives the Highway Superintendent broad powers with respect to town right-of-ways.

At 7:52 p.m. a Public Hearing was held to hear comments regarding the use of Federal Community Development Funds in the Town of Boston.

Supervisor Hawkins read the legal notice.

Supervisor Hawkins stated that the Town Board is considering an application for drainage work for the ditch between Boston Hills Homes Mobile Home Park and Wildwood Drive.

Supervisor Hawkins noted there were no public comments.

A motion was made by Supervisor Hawkins and seconded by Councilwoman Dobson to close the public hearing at 7:54 p.m.

four (4) Ayes Carried

Bill Forness, 9534 West Hill Road, and a 20 year highway employee, believes that Councilwoman Dobson is incorrect. The ditch at Pinehurst and Maplelawn Drives was filled in and trees were planted by a previous owner. He believes that Rich Jerome on Liebler Road violated town codes, 101-4 and 101-9. He feels that the Town Board has done nothing to rectify this situation.

Supervisor Hawkins stated that various town officials have worked hard to rectify this situation.

Town Attorney Downey stated that Rich Jerome was cited and has worked with town officials to rectify this situation. There are numerous issues happening here. NYS statute supersedes town code in this instance.

Bill Forness believes this situation has cost over \$10,000.

Councilwoman Dobson reiterated that the Town Board can not direct Highway Superintendent Telaak to do work on town rights-of-way.

Bill Forness agreed with Councilwoman Dobson. He asked if any property owner can fill in a ditch on their own property.

Supervisor Hawkins stated yes.

Town Attorney Downey stated that the town can't go on private property without county or land owner permission.

Highway Superintendent Telaak asked if the county gave permission to install the pipe under the Jerome driveway.

Supervisor Hawkins stated, that the town received homeowner consent and that the owner paid for the pipe. At the request of Highway Superintendent Telaak the work was contracted.

Bill Forness asked what benefit this work had other than improving the Jerome property.

Supervisor Hawkins stated that this work improved the drainage for all of Liebler Road.

Councilwoman Dobson stated that Bill Forness only comes here right before elections to stir up trouble with false information.

Bill Forness stated that he comes here more often than that.

EC Legislator Reynolds, 1 Main Street, Hamburg, stated that Erie County is sponsoring Swine Flu shots for high risk people. More information will be available soon.

EC Legislator Reynolds thanked the Town Board and Highway Superintendent Telaak for working closely with FEMA to improve the drainage conditions along Eighteen Mile Creek.

Erie County Legislator Reynolds stated that the water shed drainage districts are being formed. This will get all stakeholders involved to address these drainage issues.

EC Legislator Reynolds will have handouts available after the meeting. He gave an update of the Erie County Budget process and comments may be submitted to him.

Legislator Reynolds congratulated Town Clerk Shenk on receiving the Business First "40 Under Forty" award. He will be honored at a November 12, 2009 luncheon.

Legislator Reynold explained the difference between water shed drainage districts, storm water run off and MC-4. He agreed to look at the Pinehurst and Mapelawn Drives drainage situation.

Bill Forness asked if the County Legislature has approached the NYS DEC about allowing people to go back into the creek and remove gravel.

Legislator Reynolds stated they have a meeting with NSDEC on 10/21/09 to discuss it.

Tom Steinegle, 5540 Maple Grove Drive, commented that leaves and garbage can no longer be burned in NYS effective 10/14/09 per NYS law. Camp fires are still allowed.

Supervisor Hawkins read his 2010 Tentative Budget Summary:

In these tough economic times, I feel it is our obligation to the residents of Boston to submit a fiscally responsible budget. The Board and I have sat down and worked together to make some difficult

decisions on this tentative budget and it is still a work in progress. So far, we've managed to keep the general fund tax rate at a 0% increase, with no raises for all elected officials.

The highway budget is an extreme challenge. As submitted by the Highway Superintendent, the highway budget would have increased 13%. This was NOT acceptable and reductions had to be made. By reducing fuel costs, summer overtime and seasonal help, we held the rate to a 3% increase or 4 cents. The 3% highway rate increase is attributed to the union contract for salaries and health insurance increases.

As all of us are tightening our belts these days, so is the Town of Boston. We must prepare ourselves now for the future and display caution on behalf of the taxpayers. I would like to thank our Budget Director Selby for her assistance in the budget process.

2010 Tentative Budget:

Appropriated

Appropriations Est. Revenues Fund Balance Raised by Taxation

General	1,657,341	1,001,000	470,000	186,341
Highway	1,236,115	412,984	85,000	738,131
Fire	780,000	0	50,000	730,000
Light	20,000	0	0	20,000
Ambulance	90,000	0	20,000	70,000
Refuse/Garbage	600,000	0	23,424	576,576
Water #1	79,909	0	0	79,909
Water #2	57,000	0	0	57,000
Water #1, Ext.1	6,422	0	0	6,422
Water #2, Ext.	238,305	0	0	38,305
Water #3	202,950	0	0	202,950

Totals \$4,768,042 \$1,413,984 \$648,424 \$2,705,634

A motion was made by Supervisor Hawkins and seconded by Councilwoman Maghran to schedule a public hearing on November 4, 2009 at 7:40 P.M. to hear public comments regarding the 2010 tentative budget.

four (4) Ayes Carried

A motion was made by Supervisor Hawkins and seconded by Councilwoman Dobson to approve the following 2010 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

four (4) Ayes Carried

RESOLUTION 2009-20 HIGHWAY DEPARTMENT SURPLUS EQUIPMENT

Councilwoman Dobson noted that this resolution includes the 2002 John Deere Dozer. Discussion took place with Highway Superintendent Telaak regarding the John Deere Dozer. He understood that he would not be approved in the budget to purchase another piece of equipment and it was his choice to send it to the auction.

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Maghran on the recommendation of Recreation Director Vara, to appoint the following to the Friday Night Recreation Program, starting 12/1/09 and expiring 12/31/09:

Name	Position	Hourly Rate
Jennifer Boswell	Friday Night Supervisor	\$10.00
Jillian Fitzner	Counselor	\$8.00
Cody Mule?V	Counselor	\$8.00
Michelle Noack	Counselor	\$8.00
Dan Selby	Counselor	\$8.00

four (4) Ayes Carried

A motion was made by Councilwoman Dobson and seconded by Supervisor Hawkins to approve the Use of Facility Application for North Boston Volunteer Fire Company for July 8-11, 2010.

four (4) Ayes Carried

Received and filed monthly report from the Assessor.

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Dobson to authorize TVGA Engineers to put out an RFP for the Liebler Road Drainage project.

four (4) Ayes Carried

Supervisor Hawkins noted there will be a meeting on October 21st with Assemblyman Jack Quinn, Legislator Reynolds and other area Supervisors to review drainage issues. This isn't just a problem in the Town of Boston but also in neighboring communities.

Received and filed the Tax Collector's Annual Report.

Town Clerk Shenk noted that the Town Clerk's Office was open October 3rd will be open Saturday October 10th 9 a.m. until 3 p.m. and late for taxes on October 13th and 14th until 8 p.m. and October 15th until 9 p.m.

Highway Superintendent Telaak noted that brush pick-up is almost complete. Leaf pick-up will begin soon and continue until the first snowfall. Dirt fill is available.

Councilwoman Maghran reported for Councilman Pluta who has been excused. Planning Board member Mike Cartechine has been invited to represent NYS in the Jack Daniel Invitational BBQ in Memphis Tennessee. He also participates in the Boston BBQ Fest.

Councilwoman Maghran noted that she had the honor of participating with Dr. Norman Hertz in the Conservation Advisory Council's Museum of Science workshops that were brought into the Boston Valley Elementary School. She noted that the Conservation Advisory Council is looking for new members.

Councilwoman Maghran noted that she is soliciting bids for electrical work to install timer switches for the poles that have Christmas decorations.

Councilwoman Dobson noted that the Boston Fire Company has an open house Saturday, October 10th from 11 a.m. to 3 p.m. Saint John's Church has a Turkey Dinner October 11th, starting at 11:30 a.m.

Councilwoman Dobson reported that the new NYS regulation to ban open burning is effective Oct. 15, 2009 in all counties throughout the state. The DEC has included exceptions to allow campfires, cooking, on-site burning of agricultural waste, flag disposal and celebratory or ceremonial bonfires. The DEC also will allow burning of small brush - defined as anything less than 8' in length and 6" diameter - for 10 months of the year May 15 - March 15. First-time offense carries a potential fine between \$375 and \$15,000.

Councilman Ruzzine noted that he met with FEMA on Tuesday, October 5th. Four projects: Mill Street, Willow Drive, Boston State Road and Eckhardt Road Bridge projects out of six were approved for removing trees from Eighteen Mile Creek. Bids will be put out to remove the logs from the creek.

A motion was made by Supervisor Hawkins and seconded by Councilwoman Dobson to adjourn the meeting at 8:36 p.m.

four (4) Ayes Carried

DAVID J. SHENK, TOWN CLERK