

Town Board Minutes September 16, 2009

Present: Supervisor Richard K. Hawkins, Councilmen James E. Pluta and David Ruzzine, Councilwomen Cathleen Dobson and Cathy A. Maghran.

Also Present: Town Attorney Downey and Code Enforcement Officer Ferguson.

Rev. Laun, Churchill Memorial United Methodist Church opened the meeting with a prayer.

A motion was made by Supervisor Hawkins and was seconded by Councilman Pluta to schedule a public hearing for the annual CDBG grant application for October 7, 2009 at 7:40 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Hawkins and seconded by Councilwoman Maghran to approve the minutes of 08/31/09, 9/02/09, 9/09/09 ? 6:11 p.m. and 9/09/09 ? 6:16 p.m.

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 September 10, 2009 in the amount of \$290,612.62 be paid.

five (5) Ayes Carried

Received and filed notice of Liquor License Application renewal for Couzins, 7115 Boston State Road.

Linda Dunmire, 6668 Redwing Drive, asked Highway Superintendent Telaak when he was going to stop the water coming over from Pinehurst Drive, which is flooding Redwing Drive and her basement.

Highway Superintendent Telaak noted that a couple of the homeowners that live at that intersection filled in the ditch that ran in between their homes and planted pine trees. That area is not part of the right-of-way.

Linda Dunmire: I thought the town had jurisdiction 33 feet from the center of the road onto that property.

Highway Superintendent Telaak noted that the plugged area is off the right-of-way. We clean the ditch as far as we can. I have pictures from when the resident filled it in with top soil. So now when the water comes down it hits that and shifts over to Redwing Drive.

Linda Dunmire: Can he do that?

Town Attorney Downey: I believe that would be a nuisance when people divert water from one property to another. You may need to talk to your own attorney. If it's illegitimate, you have due course against it. If the right-of-way is 50-foot, the highway department can only go 25-feet from center. Any work beyond that the town does not have jurisdiction. The town doesn't even have jurisdiction over all the ditches in town, only certain ones. You may want to talk to the other neighbors that are affected and consult an attorney. You are not allowed to divert water from your property to someone else's.

A motion was made by Councilwoman Maghran and seconded by Councilwoman Dobson to appoint John Naughton to the Boston Emergency Squad and will continue until such time as resignation, removal, or replacement.

five (5) Ayes Carried

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

Supervisor Hawkins reported that FEMA has been in town since last Thursday working on individual homes with flood damage. There is information on the table for residents. There was a pre-construction meeting for Water District #3 last week so work on Liebler and Cole Roads will be started soon.

Town Clerk Shenk noted that in conjunction with Legislator Reynolds's and Erie County Clerk Hochul's offices Passports on the Move will be hosted here on Friday, September 25th from 10 a.m. ? 12 noon. Flu and pneumonia shots will be available at the town hall on Friday, October 9th from 10 a.m. ? 2 p.m., sponsored by the Visiting Nurses Association. The October blood drive will be on October 6th from 2:30 p.m. ? 6:30 p.m.

Highway Superintendent Telaak noted that 31 trees were removed from Liebler Road by a tree service so we could move the ditches back for the new water lines. There is a lot of dirt and fill available. Highway Superintendent Telaak asked the Town Board permission to take some of the dirt fill, which is not in demand.

A motion was made by Supervisor Hawkins and was seconded by Councilwoman Dobson to allow Highway Superintendent Telaak to take some of the ditch dirt from Liebler Road for his own personal use.

five (5) Ayes Carried

Highway Superintendent Telaak noted that brush pick up continues. He noted that some town residents have professional tree companies remove entire trees and leave them at the side of the road. The brush flyer clearly states no complete tree removal. If the homeowner takes down a tree and there isn't a tremendous amount of brush we will chip it.

Councilwoman Maghran stated that could be a hazard to buses, people and children seeing on the road. She states that anything piled that high should not be considered brush. The tree companies should not be allowed to pile that on the sides of the road.

Highway Superintendent Telaak noted that they do tree trimmings. They do not do big bushes with stumps and roots. They can not be run through the chipper.

Town Attorney Downey noted that the paperwork for Hickory Meadows Subdivision is being finalized and we need to authorize Supervisor Hawkins to sign the remaining paperwork.

A motion was made by Councilman Pluta and was seconded by Councilman Ruzzine to authorize Supervisor Hawkins to sign the remaining paperwork for the Hickory Meadows Subdivision roads, rights-of-way and easement.

five (5) Ayes Carried

Councilman Pluta noted that he will be unable to attend the October 7th Town Board meeting due to an after hour special commitment relating to his full time job. He also noted that he and Supervisor Hawkins have been in discussion with State and County agencies as to their involvement with roads that flood and are pursuing other courses of action. He also noted that the senior groups have asked about the repairing of some of their equipment.

Councilwoman Dobson noted that the 2-5 year old section of the North Boston Playground is officially open. Timbers and wood chips were repositioned. Volunteers are needed this Sunday to help complete the 5-12 year old section.

Councilman Ruzzine noted that pictures will be taken of the worse spots in town. He stated that FEMA should be removing trees out of the creek. Sign up for flood disaster sheets are outside the door on the table. Also, there are two disaster recovery centers; one is in Chautauqua County at Mount Carmel School, 135 Central Avenue, Silver Creek, NY, and the other is at the Gowanda Fire Hall.

Councilman Ruzzine noted that the Moran project will begin on Friday, September 18, 2009.

A motion was made by Supervisor Hawkins and seconded by Councilwoman Maghran to adjourn the meeting at 7:48 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK