

Town Board Minutes September 17, 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.

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

RESOLUTION 2008-18 OPPOSING THE PROPOSED CHANGES TO THE PUBLIC HEALTH LAW CONSOLIDATING LOCAL REGISTRARS OF VITAL STATISTICS.

A motion was made by Councilwoman Dobson and was seconded by Councilwoman Maghran to purchase four pieces of playground equipment at a cost of \$26,363, \$25,000 of which will be from a Grant received from Senator Volker's Office.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilwoman Maghran to schedule a bid opening for two 2009 5500 Trucks or equivalent and two Dump Boxes, Plows, Wings, and Sanders for two 2009 5500 Trucks or equivalent for October 7, 2008 at 10 a.m.

five (5) Ayes Carried

RESOLUTION 2008-17 HIGHWAY DEPARTMENT SURPLUS EQUIPMENT

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins to approve the minutes of the 9/3/08 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 September 11, 2008 minus voucher #628 in the amount of \$50.00 for a total of \$125,325.12 be paid.

five (5) Ayes Carried

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

Received and filed Town of Newstead Resolution opposing the proposed changes to the Public Health Law Consolidating Local Registrars of Vital Statistics.

Tonya Lewis, 9046 Boston State Road inquired about the construction project at Emerling Chevrolet, 9000 Boston State Road. It seems the parking lot is being extended behind the buildings and that is right where her deck is located.

Supervisor Eagan asked Deputy Code Enforcement Officer Lisowski if he knew about this.

Deputy Code Enforcement Officer Lisowski stated that for the past two years, the Emerlings have had a Special Permit for the Dumping of Material and are planning on extending the lot for the parking of older vehicles.

Supervisor Eagan asked whether the Emerlings have to build a berm because the property is adjacent to residential property.

Deputy Code Enforcement Officer Lisowski stated that the Bower property is to the north.

Supervisor Eagan stated that Tonya Lewis is on the south side.

Tonya Lewis stated that it looks like they are extending their parking lot on the north side, but they are also filling along the back side which is adjacent to her property line. She noted that they were dumping a substantial amount of fill there and she is concerned with the drainage system and sediment going into Eighteen Mile Creek.

Supervisor Eagan asked code enforcement if the Emerlings submitted a drainage plan.

Deputy Code Enforcement Officer Lisowski stated that he requested a wetlands designation from them and plans on visiting the site tomorrow.

Supervisor Eagan stated his concern is the erosion problem. He stated that the residents need to be protected from any unnecessary drainage onto their properties. If there are wetlands, the NYS DEC should be involved.

Deputy Code Enforcement Officer Lisowski stated that he has already cautioned the Emerlings about the wetlands.

Councilman Pluta stated that the Town Board approved the permit in the spring and didn't include the west or south sides of the property. He requested that if there is dumping in these areas that code enforcement issue a cease and desist order immediately.

Deputy Code Enforcement Officer Lisowski stated that he would go immediately to find out exactly what they are doing.

A motion was made by Councilman Pluta and was seconded by Supervisor Eagan to direct the Code Enforcement Office to issue a cease and desist order to Emerling Chevrolet if its permit is being violated.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins upon the recommendation of Code Enforcement Officer Ferguson to approve the request for an additional accessory Building from Scott Waite, 7300 Hickory Drive.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilwoman Dobson on the recommendation of Recreation Director Vara, to appoint the following to the Friday Night Recreation Program, effective December 1, 2008 and expires April 10, 2009.

Brandon Bender Counselor \$8.00 per hour

Amy Samuelson Arts/Crafts \$8.00 per hour

Mathew Struck Counselor \$8.00 per hour

Jennifer Trim Supervisor \$10.00 per hour

Daniel Selby Sub \$8.00 per hour

Ken Selby Sub \$8.00 per hour

five (5) Ayes Carried

Supervisor Eagan stated that a request for appointment to the Emergency Squad was received for David Janicki. Supervisor Eagan stated that the Town Board has some questions that need further explanation before approving the appointment.

A motion was made by Supervisor Eagan and seconded by Councilwoman Maghran to table the appointment of David Janicki to the Boston Emergency Squad until further answers are obtained concerning the applicant.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to schedule the Public Hearing for October 15, 2008 at 7:40 P.M. for the annual CDBG Grant application.

five (5) Ayes Carried

RESOLUTION 2008-16 STOCKHOLM WATER PRIZE NOMINATION

Supervisor Eagan stated that the previously awarded Community Development Block Grant is to repair the sidewalk and install a handicapped accessible door at the back entrance to town hall and install a new walkway to allow access to the flag memorial. Also incorporated in the bid is the cost to repair and/or replace the Town Hall front steps.

The following bids were opened on September 10, 2008 at 10 a.m.

C. Nichter, Inc. \$139,262.00

Kirst Construction \$153,676.25*

*Denotes the Bidder's proposal contained an error in the unit price items and/or the total bid amount. The total bid amount as shown above is the corrected total.

A motion was made by Supervisor Eagan and was seconded by Councilwoman Maghran upon the recommendation of TVGA Consultants to award Town Hall Access Improvements and Sidewalk installation bid to C. Nichter, Inc for \$139,262.00.

five (5) Ayes Carried

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

Supervisor Eagan noted that he was happy to announce that phase 3 of the archeological study is complete. The archeologist has sent notice that no burial grounds were found. Supervisor Eagan stated that once we submit a plan to SHPO showing the area where the trooper's barracks will be built, they will sign off and release the property for development. Once that is received, the bid process will be addressed.

Supervisor Eagan also stated that some of Verizon's Marketing people have been telling Boston residents that the reason they can not get FIOS is that the Town Board has not signed an agreement with Verizon. Supervisor Eagan stated that the Town of Boston has not yet been presented with any dialogue or contract to the issue of television. He stated that he is pursuing contact with a Verizon executive regarding the TV service.

Town Attorney Downey stated that a town resident has told him the same. The Town of Boston has a non-exclusive agreement with Time-Warner, formerly Adelphia.

Supervisor Eagan stated that all the water district updates are in design phase and hope to be done by the end of October. Once the design phase is complete they will be sent out to certain agencies for approval. In addition to that we have been working on a regular basis to conclude the financing of the project. He hopes to have the bid specs ready before the end of the year. If that happens than we can probably expect construction to start late April, early May 2009.

Town Clerk Shenk noted that the Deer Management Permit deadline is October 1, 2008 and flu shots will be given on Friday, October 17th from 10 a.m.-2 p.m. He also stated there will be a blood drive on Tuesday, October 14th from 2:30 p.m.-6:30 p.m. The Town Clerk's office will be open for school tax collection on October 4th and October 11th from

9 a.m.-3 p.m.

Highway Superintendent Telaak stated that after the heavy rains this past week there are some ditches off the town right-of-way that need to be cleaned and asked for the Town Board's permission to go off the town right-of-way to do so. One area is on Thornwood near the church parking lot and the other is on Old Pfarner Road.

A motion was made by Councilman Hawkins and was seconded by Supervisor Eagan to approve Highway Superintendent Telaak's request to go off the town right-of-way to clean the ditch on Thornwood Drive near the church and on Old Pfarner Road as long as he obtains a temporary easement from the homeowner.

five (5) Ayes Carried

The following bid was opened on September 16, 2008 at 10 a.m.

Cyncon Equipment Inc. \$184,660.00

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins upon the recommendation of Highway Superintendent Telaak to award the 2007 Vacuum Street Sweeper with Single Gutter Broom Bid to Cyncon Equipment Inc.

five (5) Ayes Carried

Councilman Pluta noted that the television for the community room is scheduled to be installed on Tuesday. He also stated that he has heard that Time Warner Cable may be dropping channel 4, so he is going to schedule a meeting with them to discuss it.

Councilman Pluta asked the Code Enforcement Office how they are doing with the handicap parking space issue.

Code Enforcement Officer Ferguson noted he's begun the inspections, but not finished.

Councilwoman Maghran noted that Ed Carey and the Boy Scouts have finished repairing all the bulbs on the Christmas decorations. She stated that Brien Hopkins will be in contact with his volunteers to begin the replacement of the brackets.

Councilwoman Maghran welcomed new Boston Valley Elementary Principal, Paul Pietrantone. Supervisor Eagan asked Town Clerk Shenk to send Paul Pietrantone a letter welcoming him to the Town of Boston.

Councilwoman Dobson noted that she should be receiving the new playground equipment in about four weeks. She will announce the build date at the next Town Board meeting. She noted that the Boston Valley Animal Hospital is having an open house on October 4th from 11am-4pm. The Patchin Fire Company is having an open house September 21st from 1pm-3pm and will be dedicating two new trucks at 2 p.m.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 8:10 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK