

Town Board Minutes September 21, 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, Town Attorney Vacco, and Code Enforcement Officer Kramer.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to release the funds in the amount of \$10,000 adopted in Resolution 2003-17 Authorizing the Commitment of Funds in Support of an Application for Non-Ag Non-point Source Pollution Abatement and Control Fund.

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth to schedule a Public Hearing for October 19, 2005 at 7:40 p.m. for the next CDBG Grant Application cycle.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to schedule a public informational hearing on October 19, 2005 at 7:00 p.m. to hear comments regarding ideas for additional funding sources to save the Boston Free Library

Five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to schedule a public hearing on October 19, 2005 at 7:45 pm to consider the application from Upstate Cellular Network, DBA Verizon Wireless for a special permit for Co-Location to a Telecommunication Facility at 6405 Ward Road.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to adopt the minutes of the September 7, 2005 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins upon review by the Town Board that fund bills on the Abstract dated September 15, 2005 in the amount of \$131,367.11 be paid.

five (5) Ayes Carried

Received and filed letter from Keith Kaszubik, 5550 Maple Grove Drive, regarding a dead end street sign.

Highway Superintendent Telaak stated that the dead end sign issue has been addressed.

Received and filed letter from Boston Patriots Little League Football & Cheerleading regarding additional funding.

Supervisor Eagan stated that this issue will be taken under consideration in the overall budget process.

REQUESTS FROM THE FLOOR

Carl Borowicz, 7108 Liebler Road: Mr. Borowicz noted that a resident at 7118 Liebler Road was granted a variance to construct a building on his property. He feels that the terms of this variance have not been complied with.

Town Attorney Vacco stated that she would talk with Deputy Town Attorney Metzger to see what the status of this case entailed and would ask him to call Mr. Borowicz with that information.

William Burgin, 6891 Pin Oak: Mr. Burgin thanked the Town Board and Highway Superintendent Telaak for their quick response to the flood emergency at his home on Friday. He stated that there is a serious flooding situation, which has occurred twice in the past two years on Pin Oak Drive. All the water that comes down the road, turns and runs directly in front of my house.

Highway Superintendent Telaak stated that the biggest problem is the amount of gravel that washes down the hill. He stated that a berm is being built to start out and a couple dams will be built upstream to hold the gravel back.

Herbert Klein, 7690 Back Creek Road: Is it true that the Town has recently purchased a machine to pick up leaves and was it done through the bidding process.

Highway Superintendent Telaak: Yes. It was bought under state contract.

Herbert Klein: Even if it is bought through state contract, do the purchases have to be authorized by the Town Board under the General Municipal Law?

Town Attorney Vacco: The Town Board approves the Highway Superintendent's budget, but then those funds are his. Once it is approved, it is his money to work with during the year.

Herbert Klein asked if the agenda review tape recordings are available to the public.

Supervisor Eagan stated that Agenda Review meetings are open to the public and the tapes of the meetings are available.

Herbert Klein: Are there line items in the Highway budget for certain types of equipment?

Supervisor Eagan stated that the budget does not delineate what type of equipment he can purchase.

Joseph Antos, 5554 Northside Drive asked if anything was done regarding amending the town code for garbage, rubbish and refuse.

Town Attorney Vacco stated that she spoke with Code Enforcement Officer Kramer regarding some options to address this issue. She and Councilman Simmeth are working to find a solution not to intrude upon other people's rights. Councilman Simmeth is in the process of trying to find a more amicable resolution before we actually amend a town code.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to approve the Application for Live Entertainment from Steve and Cheryl McGirr for McGirr's Patchin Place to expire June 30, 2006.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to approve the Use of Facilities application from Lisa Ballowe for September 24, 2005.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to refer the Change of Use application from Paul Przybylski, 8389 Boston State Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the Transfer of Appropriations as follows:

GENERAL FUND:

FROM: ACCT.

Appropriation	A 960	28,250.00
Contingency	1990	28,250.00
Total	28,250.00	28,250.00

TO: ACCT.

Appropriation	A 960	28,250.00
Buildings - Equip	1620.2	9,000.00
Dog Control-Equip	3510.2	250.00
Garage-Contractual	5132.4	10,000.00
Recreation Ctrs.-Pers. Svc.	7140.1	1,500.00
Youth Programs-Per. Svc.	7310.1	7,500.00
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Total	28,250.00	28,250.00

five (5) Ayes Carried

DEPARTMENT ANNOUNCEMENTS/ACTIONS

Received and filed monthly reports from the Supervisor and Recreation Department.

Supervisor Eagan expressed his appreciation to the people and personnel who participated for many hours during Friday's state of emergency. He and Deputy Highway Superintendent Duffy met with several firefighters regarding the flooding. He spoke with Congressman Higgins concerning the flooding issue and is pursuing some resolve. He stated that there was a study done through Erie County Soil and Water, which identified all the problem areas in the town.

Supervisor Eagan noted that he met with 14 other Town Supervisors and County Executive Giambra with the purpose of discussing his intent on charging the towns for Sheriff Patrols.

Supervisor Eagan stated that our proposal to the State Police to construct a new facility has been approved. The state will now go through their budget confirmation process to the office of the State Attorney General and the office of the State Comptroller. He expects 100 percent financing.

Town Clerk Shenk announced the deadline for Deer Management Permits is October 1.

Town Clerk Shenk noted that his office would be open for School Tax Collection on Saturday, October 8 & 15 from 9:00 a.m. until 3:00 p.m.

Highway Superintendent Telaak stated that various guardrails have been installed and Pin Oak Drive is a priority in regards to the flooding and drainage issue.

Supervisor Eagan introduced Mark Gaston from the Erie County Soil and Water Conservation and noted that he would be working on ways to protect properties from flooding in the future.

Councilman Mead stated that there have been problems with residents disposing of their tree cuttings into ditches causing water flow problems. He stated that Town Attorney Vacco would be drafting a courtesy letter to those residents.

Councilman Simmeth noted that the drainage committee had an informational meeting concerning the drainage improvements in the Creekside subdivision.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 8:21 pm.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK