

Town Board Minutes September 3, 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 and Deputy Code Enforcement Officer Lisowski.

Florence Wendling, St. John the Baptist Church, opened the meeting with a prayer.

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins to approve the minutes of the 8/13/08 meeting.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Hawkins upon review by the Town Board that fund bills on the Abstract dated August 28, 2008 in the amount of \$158,402.90 be paid.

five (5) Ayes Carried

Received and filed Town of Marilla Resolution in regards to Great Lakes VHS Virus.

Received and filed correspondence from the Erie County Legislature in regards to the proposed establishment of an Erie County Planning Board.

Referred letter from Sue Buyer in regards to traffic safety on West Tillen Road to Councilwoman Maghran for review and recommendation.

Received and filed from NYS Comptroller approval of the establishment of Extension No. 3 to Water District No. 2.

Referred resolution in regards to Vital Statistics Registration Districts to Town Attorney Downey for review and recommendation.

Referred letter from Assessor McSkimming regarding Article 7 legal fees to Town Attorney Downey for review and was asked to prepare a letter requesting a meeting with school officials to discuss this subject.

A motion was made by Supervisor Eagan and seconded by Councilman Pluta to approve the Use of Facility Application for Dave Cranston & Thelma Faulring for September 20, 2008 with the understanding that the use of the playground and tennis court areas are open to the public and can not be assigned exclusively to them for this date.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to approve the Use of Facility Application for North Boston Fire Company for July 9 ? July 13, 2009 for their Grand Gala Event.

five (5) Ayes Carried

RESOLUTION 2008-13 TO ESTABLISH A FUNDING MECHANISM FOR THE CONSTRUCTION OF EXTENSION NO. 3 TO WATER DISTRICT NO. 2 IN THE TOWN OF BOSTON

RESOLUTION 2008-14 FINAL ORDER ESTABLISHING EXTENSION NO. 3 TO WATER DISTRICT NO. 2

RESOLUTION 2008-15 BOND RESOLUTION FOR THE EXTENSION NO. 3 TO WATER DISTRICT NO. 2

At 7:40 p.m. a Public Hearing was held to hear comments regarding Proposed Local Law No. 3 of the year 2008 entitled A Local Law for an Additional Extension of a Moratorium on Applications for the Approvals of Subdivisions, Planned Unit Developments, Cluster Developments and Multiple Dwellings over Two Units.

Supervisor Eagan read the legal notice.

There were no public comments.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to close the public hearing at 7:42 p.m.

five (5) Ayes Carried

Councilman Pluta asked if the Town Board would repeal this once the revisions to the Town Code book were adopted.

Supervisor Eagan stated that was the intent.

A motion was made by Councilman Hawkins and seconded Councilwoman Dobson to adopt Local Law No. 3 of the Year 2008 (Proposed Local Law #3) Entitled A Local Law for an Additional Extension of a Moratorium on Applications for the Approvals of Subdivisions, Planned Unit Developments, Cluster Developments, and Multiple Dwellings over Two Units.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilman Hawkins to schedule a Public Hearing for October 1, 2008 at 7:40 p.m. on Proposed Local Law No. 4 of the Year 2008, entitled A Local Law to Amend Town Code Chapter 111, Taxation Through the Enactment of a Local Law Establishing a Real Property Taxation Exemption for Cold War Veterans.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins to approve of the Highway Department Collective Bargaining Agreement, term January 1, 2008 through December 31, 2011 subject to correcting the minor typos which do not change the terms or agreement that has been approved by the union.

five (5) Ayes Carried

Supervisor Eagan noted that there are two former councilmen listed on the agreement which need to be corrected to show the current councilmen.

Councilman Pluta thanked Councilman Hawkins, Supervisor Eagan, Operating Engineers, 17 and our Highway Workers for the hard work as they put forth this agreement.

A motion was made by Councilman Hawkins and was seconded by Councilwoman Maghran upon the recommendation of the Planning Board to approve the site plan of Mark Henneberg, 8964 Boston State Road.

five (5) Ayes Carried

Received and filed a letter from the Planning Board recommending approval of the revised site plan for the Boston Valley Complex, 7074 Boston State Road, contingent upon the applicant satisfactorily complying with the TVGA recommendations.

Received and filed a letter from Hopkins Garas & Sorgi Attorneys at Law on behalf of project sponsor, Dana Darling, requesting that the Town Board approve the revised site plan so that a portion of the commercial building can accommodate a Tim Horton's drive-through facility.

Received and filed a letter from TVGA Engineers recommending minor modifications.

Supervisor Eagan noted from the TVGA letter that the Building Inspector will verify these modifications upon submission of building permit plans. Should more than 30 seats be interpreted based on Code review, the applicant will need to either reduce the number of seats, apply for a variance with the Zoning Board of Appeals or provide additional parking and apply for a Modification of an approved Site Plan.

Councilwoman Maghran inquired as to how many seats there will be?

Dana Darling, 6540 Omphalius Road, noted that he's hoping to have a finalized inside layout this week. Typically there isn't that much seating, most of the business is drive thru.

Councilman Pluta noted that they had a concern regarding the stacking. He asked to be reassured there was enough space for stacking.

Dana Darling stated that he has done site work on approximately 15 Tim Horton projects, so he is familiar with the layout of the store and the stacking that is necessary.

Dana Darling showed the Town Board where the stacking starts and ends on the site plan.

Councilwoman Maghran noted that at the Planning Board meeting the architect stated 18 stacking spaces, but the revised site plan has 14, please clarify.

Dana Darling noted that it should be 18 stacking spaces.

A motion was made by Councilman Pluta and was seconded by Councilman Hawkins upon the recommendation of the Planning Board to approve the revised site plan of the Boston Valley Complex, 7074 Boston State Road.

five (5) Ayes

Town Attorney Downey noted that this project is being marketed as Boston Valley Commons, and not Boston Valley Complex.

Supervisor Eagan asked Dana Darling if the NYSDOT required a traffic study.

Dana Darling responded, yes, and they have met all NYSDOT requirements. We hope to have the store open before Christmas.

Received and filed monthly reports from the Assessor and Code Enforcement Officers.

Supervisor Eagan noted that the Sunday, August 31st, "Buffalo Newspaper" reported 2008 Assessments in Erie County. He noted that the Town of Boston is in very good shape compared to other Erie County towns. He stated that Boston is in a sound financially and they have worked very hard to prepare budgets that reflect the taxpayers' interest.

Town Clerk Shenk noted that he received another Records Management Grant in the amount of \$7,145 for document imaging.

Highway Superintendent Telaak noted that road resurfacing has been done on Glenn Terrace, George, Kevin and Ravine Drives.

Highway Superintendent Telaak stated that hopes to have the bidding process complete by the end of the week for the new trucks.

Town Attorney Downey reported on the July 10th memo received from the Niagara Region Planning Services Department. He noted that NRPSD feels the International Joint Commission should be nominated for the Stockholm Water Prize and requested that municipalities adopt a Resolution nominating the IJC for its work overseeing the Great Lakes and other water issues.

A motion was made by Supervisor Eagan and was seconded by Councilwoman Maghran to direct Town Attorney Downey to prepare a resolution nominating the International Joint Commission for the Stockholm Water prize.

five (5) Ayes Carried

Councilman Pluta stated that it has come to his attention during his meetings with the senior groups that some businesses in town have not reinstalled the handicap parking spaces after repaving their parking lots. He asked the code enforcement office to visit these businesses and remind them to have those spaces clearly marked.

Councilman Pluta noted that he met with Grant Writer Connie Miner in regards to CDBG for the Boston Commons area. He stated a letter will be sent out to residents informing them of a meeting. A survey will be developed for residents to fill out.

Councilman Pluta stated that there will be a benefit coordinated for one of the Patchin Firefighters and his family who lost their home to a fire. A date has not yet been set.

Councilman Pluta noted that he is working with Town Clerk Shenk and the seniors to improve the seniors' section of the town website to make it more user friendly. It will list the monthly lunch menus and activities and field trip information.

Councilwoman Dobson noted that after consultation with the playground distributor improvements will be made to North Boston Park with the remaining funds from the Town Park Playground Project.

Councilman Hawkins noted that residents have inquired about the installation of a water fountain by or near the snack shack.

Supervisor Eagan stated that this issue will be addressed next spring.

Those present congratulated Boston Fire Company on its 100 year anniversary.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 8:06 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK