

Town Board Minutes September 5, 2007

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Councilman Dennis J. Mead, Councilwoman Cathleen M. Dobson and Supervisor William A. Eagan.

Also Present: Highway Superintendent Telaak, Town Attorney Downey, Code Enforcement Officer Ferguson and Deputy Code Enforcement Officer Lisowski.

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

RESOLUTION 2007-20 FOUR WAY STOP SIGN AT THE INTERSECTION OF OMPHALIUS AND COLE ROADS

A motion was made by Councilman Mead and seconded by Councilman Hawkins to adopt the minutes of the August 8, 2007 regular meeting and the August 28, 2007 Special Meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins, upon review by the Town Board, that fund bills on the Abstract dated August 30, 2007 in the amount of \$211,813.46 be paid.

five (5) Ayes Carried

Received and filed the Towns of Alden, Concord, and Eden Resolutions Opposing the Proposed State Windmill Siting Procedure.

Supervisor Eagan noted the Town Board has adopted a similar resolution regarding opposing the Windmill Siting Procedure.

Received and filed the Towns of Alden and Brant Resolutions regarding support of U.S. Soldier's Use of the Spartan II Body Armor Vests.

Supervisor Eagan noted the Town Board has adopted a similar resolution regarding support of U.S. Soldier's Use of the Spartan II Body Armor Vests.

The Towns of Brant and Holland Resolutions recommending that the Erie County Executive and Legislature budget sufficient funds for Annual Normal Maintenance Including Removal of Brush, Ditch Maintenance and Resurfacing of All County Roads was referred to Town Attorney Downey for review.

Received and filed a Town of Brant Resolution in support of any and all NY State property tax reform.

Town of Eden Resolution in support of the Animal Alliance of WNY and the Erie County SPCA was referred to Town Attorney Downey for review.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to approve the Application for Use of Facility for the Boston Patriots Little League Football season.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to authorize the solicitation of Requests for Proposals for the Town of Boston Deferred Compensation Plan.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead, on the recommendation of Parks Superintendent Telaak, to appoint Berry Decker to the position of Parks Department Laborer at a rate of \$9.00 per hr.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins, on the recommendation of Highway Superintendent Telaak, to raise Parks Department Laborer Scott Fellows's salary from \$10.00 per hr. to \$10.50 per hr.

Councilman Hopkins Voting Aye

Councilman Hawkins Voting Nay

Councilman Mead Voting Aye

Councilman Dobson Voting Nay

Supervisor Eagan Voting Nay

two (2) Ayes (3) Nays Denied

A motion was made by Councilman Mead and seconded by Supervisor Eagan, upon the recommendation of the Town Engineer, that the Town Board has classified the Site Plan Review for Crawford Broadcasting Co. Inc (WDCX), 9001 Zimmerman Road as an unlisted action under SEQR and therefore declares lead agency status.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan, upon the recommendation of the Town Engineer, that the Town Board as Lead Agency has determined that after taking a long hard look into the Site Plan Review for Crawford Broadcasting Co. Inc (WDCX), 9001 Zimmerman Road, finds that the proposed action will not have a significant impact on the environment and therefore declares a Negative Declaration and no further action is required per 6 NYCRR part 617.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Egan, on the recommendation of the Planning Board, to approve the Site Plan Review for Crawford Broadcasting Co. Inc (WDCX), 9001 Zimmerman Road.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins, on the recommendation of the Town Engineer, to table the Site Plan Review for Webber, 7074 Boston State Road pending a legal opinion on clarification of the long SEQR form.

five (5) Ayes Carried

Supervisor Egan requested that Town Attorney Downey address the Webber Site Plan Review SEQR with the Town Engineer at the next meeting.

Received and filed a monthly report from the Assessor, Justice Court, Code Enforcement Officers and Town Engineers.

Town Clerk Shenk announced that there will be a blood drive at the Boston Town Hall on September 11, 2007 from 2:00 p.m. to 7:00 p.m. hosted by the Upstate NY Transplant Services Inc. and Community Blood Service.

Town Clerk Shenk announced school tax bills will be mailed Friday, September 14, 2007.

Town Clerk Shenk announced the deer management permit deadline is October 1, 2007.

Highway Superintendent Telaak announced that brush pick-up starts September 10, 2007.

Highway Superintendent Telaak questioned why his request for a raise for park employee Scott Fellows from \$10.00 per hr. to \$10.50 per hr. was denied.

Supervisor Eagan noted that Highway Superintendent Telaak was previously informed that the raise for Scott Fellows was not in the 2007 budget.

Highway Superintendent Telaak noted that in the 2006 and 2007 budgets the salary for Scott Fellows was \$10.30 per hr. He believes his salary should be retro active for two years at \$10.30 per hr.

Supervisor Eagan responded that the 2007 budget does not reflect a \$10.50 per hr. salary for Scott Fellows.

Highway Superintendent Telaak said the work sheets show that Scott Fellows was approved for a \$10.30 salary.

Supervisor Eagan responded that he will check with Bookkeeper Selby.

Councilwoman Dobson reported that she presented on behalf of the Town of Boston, a Proclamation to the Boston Kazoo Band on its 40th anniversary.

Councilwoman Dobson reported the Boston Emergency Squad received a grant to purchase a new ambulance in the amount of \$118,750 and the town will contribute \$6,250.00.

Councilman Hopkins thanked Highway Superintendent Telaak for designating 4 handicap parking spaces behind the Town Hall. He noted that during recreation games people are ignoring the fact that these spaces are reserved for handicap parking ticket holders and asked the media to remind residents to respect the designated parking.

Councilman Hawkins reported that Erie County Soil and Water will begin to remove all trees from Eighteen Mile Creek in the near future.

At 7:45 p.m. a Public Hearing was held to hear comments regarding Proposed Local Law Number 5 of the Year 2007, entitled A Local Law, to Opt Out of Real Property Tax Exemption for Solar and Wind Energy Systems and Farm Waste Energy Systems.

Supervisor Eagan read the Legal Notice.

There were no comments from the public.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to close the Public Hearing at 7:48 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adopt Local Law Number 5 of the Year 2007 (Proposed Local Law Number 5), entitled A Local Law, to Opt Out of Real Property Tax Exemption for Solar and Wind Energy Systems and Farm Waste Energy Systems.

Five (5) Ayes Carried

Councilman Hawkins asked Code Enforcement Officer why vacancy signs are posted on mobile homes in the Mobile Home Parks.

Code Enforcement Officer Ferguson responded that the signs are posted to identify mobile homes that are vacant because code violations do not apply to abandoned mobile homes.

At 7:50 p.m. a Public Hearing was held to hear comments regarding Proposed Local Law Number 6 of the Year 2007, entitled A Local Law, to Restrict the Location of Wind Energy Systems.

Supervisor Eagan read the Legal Notice.

Robert Telaak, 7900 Feddick Road, inquired as to the requirements of Proposed Local Law Number 6 of the Year 2007.

Supervisor Eagan read Proposed Local Law Number 6 of the Year 2007.

Robert Telaak inquired as to how they came up with the figure of 500 feet from any side lot line or any structure.

Supervisor Eagan responded that he should ask the Town Attorney.

Town Attorney Downey noted that the requirements of other communities were taken into consideration. This law is being considered in an effort to protect homeowners; other parts of the community and in particular from having a major industry install windmills all over town.

Councilwoman Dobson commented that Mr. Telaak was at a meeting when she discussed this issue a few months ago regarding a complaint from a resident.

Robert Telaak noted he is definitely opposed to this law because the distance specified prohibits him from installing a windmill on his property of 58 acres that is long and narrow.

Councilman Hopkins asked how tall a residential windmill is.

Robert Telaak responded that his windmill will be either 70 or 90 feet.

Supervisor Eagan commented windmills are known to have the potential to collect ice when down and when started throw ice a certain distance. There is a concern of the falling distance of the blade in the tower so you would want to keep a certain distance from residential improvements, property lines or other structures.

Town Attorney Downey noted a number of communities are concerned about this issue because of safety and possible wind farms.

Supervisor Eagan commented that the windmills along the old Bethlehem Steel property are 400 to 500 feet high. He believes they are the largest wind turbines in the state if not in the northeastern area. If something is not on the record we could wind up with the problem we had with communication towers. Residents complained the towers were in their back yards. If the town code stated they had to be a hundred feet from the property line but the tower was three hundred feet, it will be on somebody's property if it falls. We learned from that experience, and from other windmill restrictions such as in the Town of Tonawanda. This local law is a shorter version of many local windmill laws.

Town Attorney Downey noted that some towns had lot line restrictions of 1,500 feet.

Robert Telaak commented that a friend in Concord put up a 70-foot windmill because a 90-footer could land on his neighbor's property if it fell over.

Supervisor Eagan noted this law applies to the entire community. If Mr. Telaak wishes to put up a windmill he can always apply for a variance.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to close the Public Hearing at 7:57 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 7:58 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK