

## **Town Board Minutes September 6, 2006**

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

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

A motion was made by Councilman Mead and seconded by Supervisor Eagan to authorize Town Clerk Shenk to sign the Primary Election Agreement with the Erie County Board of Elections.

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to adopt the minutes of the August 9, 2006 regular meeting and the August 21, 2006 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 31, 2006 in the amount of \$225,250.02 be paid.

five (5) Ayes    Carried

### **REQUESTS FROM FLOOR:**

Clyde Rucker, 6910 Boston Cross Road, questioned why there were two town board meetings in August.

Supervisor Eagan responded that a special meeting was called for August 21st to deal with four special permits.

Pat Lamont, Town of Boston Representative on the Scenic By-Way Committee, requested that the Town Board support the designation of the Southtowns Scenic By-Way as a New York Scenic By-Way and encourage community support by letter/e-mail to Bob Lennartz.

Supervisor Eagan responded that the Town Board did support the designation of a New York Scenic By-Way by adopting Resolution 2005-24, but will support a new more extensive resolution.

Robert Rudny, 6910 Pin Oak Drive, asked when will his driveway be fixed after the recent flooding damage and wanted to know what is being done with the drainage problems.

Supervisor Eagan responded that the Town Board met with our engineers and National Grid. What was done in the past to correct the problem hasn't worked so we are looking at solutions that will work. We will need financial assistance through NYS. Highway Superintendent Telaak will be directed to do what he can on the public right-a-way. The source of the problem is on property in the hills that are owned by private landowners.

Highway Superintendent Telaak noted that later this year a larger pipe will be put across Pin Oak Drive.

Rhonda Davis, 6748 Hillcroft Drive, asked if anyone contacted the landowners on Cole Road concerning the debris that comes down the hill during rainstorms.

Supervisor Eagan responded that there is a list of property owners involved and our engineer looked at the drainage issue behind the Davis property and discussed ideas.

Jim Davis suggested that progress reports on drainage issues be put on the town website.

Supervisor Eagan suggested that one person from each neighborhood be present at town meetings and report back to the neighbors as well as posting on our website.

Councilman Hawkins asked anyone needing help with drainage problems to call him.

James Reichert, 6706 Hillcroft, inquired if anyone spoke to residents on Cole Road regarding the dumping of tires and logs that are causing problems.

Frank Rosiek, 6900 Boston Cross Road, questioned if work on Rice Road is done, if

Highway Superintendent Telaak would walk the neighborhood soon, asked when will National Grid talk to him and when will people from different streets form a committee.

Highway Superintendent Telaak noted that during this past week all the man holes (on Boston Cross Road) were opened and all pipes were checked and are wide open. He noted that he will walk the neighborhood with residents.

Supervisor Eagan responded that the town board will meet with National Grid on behalf of the community. As soon as National Grid sets a date for a meeting, a resident from each neighborhood will be contacted to sit on a committee to report back to neighbors.

Clive Rucker requested that the cost of rebuilding Boston Cross Road be included when the town asks for financial assistance from NYS.

Rod Sargeant, 8872 Maurice Court, commented that residents have been patient and need to see results.

Highway Superintendent Telaak commented that because he knew a storm was coming last Friday, the dam in Hickory Meadows was cleaned out between the lots where flooding occurs and Mr. Emerling is being charged.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to refer to the Town Attorney, recommendations from the Deputy Code Enforcement Officers regarding unsafe structures at 6588 Hillside Drive, 7161 South Abbott Road and 6892 Boston Cross Road.

five (5) Ayes    Carried

A motion was made by Supervisor Eagan and seconded by Councilman Mead to approve the Special Permit for Dumping of Material from Tom Coyne, 6262 Wildwood Drive with the stipulation that if the origin and/or type of fill changes the permit will be terminated.

five (5) Ayes

A motion was made by Supervisor Eagan and seconded by Councilman Mead to schedule a Public Hearing on October 4, 2006 at 7:40 p.m. for the Annual Community Development Block Grant Application.

five (5) Ayes    Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins, on the recommendation of Foit-Albert Engineers, the Town Board has classified the Site Plan of Mary Fornes, at 7333 Boston State Road as an Unlisted Action under SEQR and therefore declares lead agency status.

five (5) Ayes    Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins, on the recommendation of Foit-Albert Engineers, the Town Board as lead agency has determined that after taking a long hard look into the Site Plan of Mary Fornes, at 7333 Boston State Road declares a Negative Declaration and that the proposed action will not have a significant impact on the environment 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 Eagan, on the recommendation of the Planning Board, to approve the Site Plan of Mary Fornes, at 7333 Boston State Road contingent upon the following:

Foit-Albert waives their concern for alleged discrepancy between the survey and deed as stated in their letter of 3/21/05

Foit-Albert does not have any additional issues regarding the site plan

Driveway widths are all shown at 24 feet in width on an updated site plan

Walkway width is indicated at 8 feet on an updated site plan

Square footage of grass area is indicated on an updated (landscape) site plan

This recommendation does not include any signage approval

five (5) Ayes Carried

Town Attorney Downey noted that regarding the Foit-Albert Engineering recommendation of rejection for the revised addendum to the DEIS (Draft Environmental Impact Statement) for the Darling Rezoning/Creekfield Subdivision, the feasible alternatives have not been addressed which is not satisfactory. They should be revised and re-submitted.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins, on the recommendation of the Foit-Albert Engineers and Town Attorney Downey, to reject the revised addendum to the DEIS for the Darling Rezoning/Creekfield Subdivision and direct the Town Engineer to notify the applicant of the basis for the rejection

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan, on the recommendation of Code Enforcement Officer Ferguson and Deputy Code Enforcement Officers Lisowski and Juda, to table the Mobile Home Park Licenses for the Sprague Mobile Home Park and the Boston Hills Homes & Estates Mobile Home Park.

five (5) Ayes    Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to table Local Law No. 3 of the Year 2005 to Amend Minimum Lot Size and Frontage Requirements for R-A Zoning.

five (5) Ayes    Carried

#### DEPARTMENT ANNOUNCEMENTS / ACTIONS

Received and filed Monthly Reports from the Justice Court and Town Engineer.

Supervisor Eagan reported that a \$50,000 grant was awarded to the Parks Department that will be used to develop soccer fields.

Town Clerk Shenk announced school tax bills will be mailed on or about September 15th.

A motion was made by Councilman Mead and seconded by Supervisor Eagan to approve the purchase of a 2nd leaf machine with the funds from a NYS DEC grant.

five (5) Ayes Carried

Highway Superintendent Telaak reported that the Mill Street project should be completed and Rice Road paved on September 7th.

A motion was made by Supervisor Eagan and seconded by Councilman Dobson to adjourn the meeting at 8:41 p.m.

five (5) Ayes Carried

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DAVID J. SHENK, TOWN CLERK