

## **Town Board Minutes August 8, 2007**

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, and Supervisor William A. Eagan.

Excused: Councilman Dennis J. Mead and Councilwoman Cathleen M. Dobson.

Also Present: Town Attorney Downey and Code Enforcement Officer Ferguson.

### RESOLUTION 2007-15 SUPPORT OF U.S. SOLDIER'S USE OF THE SPARTAN II BODY ARMOR VESTS

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to adopt the minutes of the July 11, 2007 agenda review and regular meeting.

three (3) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Supervisor Eagan, upon review by the Town Board, that fund bills on the Abstract dated August 2, 2007 in the amount of \$293,372.15 be paid.

three (3) Ayes Carried

Received and filed a Town of Cheektowaga Resolution regarding Support for Dedication of County Forest Preserves as Parklands.

Received and filed a Town of Cheektowaga Resolution regarding Support of U.S. Soldier's Use of the Spartan II Body Armor Vests.

## REQUESTS FROM THE FLOOR:

Gary Pletscher, 6932 Boston Cross Road, voiced concern over large culvert pipes installed by National Grid on the Powerline and asked what the town plans to do to divert water away from Boston Cross Road.

Supervisor Eagan responded that Highway Superintendent Telaak is in charge of this area, but noted that National Grid has been contacted regarding the negative effect of the culverts on flooding. The issued is being addressed.

Clive Rucker, 6910 Boston Cross Road, inquired as to the status of the house to be demolished on Boston Cross Road.

Town Attorney Downey noted that the mortgage holder has withdrawn from taking over the property and the town is preparing a "Request for Proposal" packet to proceed with the asbestos removal.

Roger Rogers, 9856 Emerling Road, inquired as to the status of Gallagher's Willowtree Stable on Emerling Road.

Town Attorney Downey responded that Mr. Gallagher needs to make application for a number of things and if he does not apply he will be cited to appear in court.

Code Enforcement Officer Ferguson noted that Mr. Gallagher received a Notice of Violation from Deputy Code Enforcement Officer Juda. He is not properly zoned to run a business.

Roger Rogers noted that Mr. Gallagher is still operating the business, boarding horses, and giving lessons.

Supervisor Eagan responded that if a deadline was not specified on the Notice of Violation, Mr. Gallagher must be ordered to court to cease running his business. He should not be running a business until all the requirements to do so have been met.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to accept the resignation of Robert Bulger from the Zoning Board of Appeals.

three (3) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Councilman Hawkins, on the recommendation of the Zoning Board of Appeals, to appoint Walter Slomka to the Zoning Board of Appeals, term to expire 4/1/12.

three (3) Ayes Carried

At 7:52 p.m. a Public Hearing was held to hear comments regarding Proposed Local Law Number 4 of the Year 2007, Entitled A Local Law For An Extension of a Moratorium on Applications for the Approvals of Subdivisions, Planned Unit Developments, Custer Developments and Multiple Dwellings Over Two Units.

Supervisor Eagan read the Legal Notice.

There were no comments from the public.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to close the Public Hearing at 7:53 p.m.

three (3) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve Local Law No. 4 of the Year 2007 (Proposed Local Law No. 4 of the Year 2007), A Moratorium on Applications for the Approvals of Subdivisions, Planned Unit Developments, Cluster Developments and Multiple Dwellings over Two Units.

three (3) Ayes Carried

RESOLUTION 2007-10 OPPOSE AMENDMENTS TO ARTICLE X OF THE PUBLIC SERVICE LAW

RESOLUTION 2007-11 THREE WAY STOP SIGN AT THE INTERSECTION OF OLD LOWER EAST HILL, BURR AND LOWER EAST HILL ROADS

RESOLUTION 2007-12 INSTALL STREET LIGHTS AT THE UPPER AND LOWER INTERSECTIONS OF BOSTON COLDEN AND HUNN ROADS

RESOLUTION 2007-13 INTERSECTION WARNING SIGNS ON HERMAN HILL ROAD TO INDICATE THAT THE INTERSECTION OF WOODLEE COURT IS APPROACHING

RESOLUTION 2007-14 NYS UNIFIED COURT SYSTEM JUSTICE ASSISTANCE PROGRAM

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to table scheduling a bid opening for a 2008 ¾ ton 4x4 extended cab truck.

three (3) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins, on the recommendation of Code Enforcement Officer Ferguson, to extend the building permit B-06-77 for John Engels, 7919 Lower East Hill Road to 11/25/07.

three (3) Ayes Carried

Received and filed notification of the cancellation of an Application for Use of Facility from Hamburg Central School District for August 6, 2007.

Supervisor Eagan noted that a letter was received from 9000 Boston State Road, LLC stating the origin of the material being dumped.

A motion was made by Councilman Hopkins and seconded by Supervisor Eagan upon the recommendation of the Town Engineer, Foit Albert Associates, the Town Board has classified the special permit for the dumping of material, 9000 Boston State Road, LLC as an unlisted action under SEQR and therefore declares lead agency status.

three (3) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Supervisor Eagan upon the recommendation of the Town Engineer, Foit Albert Associates, that Town Board as lead agency has determined that after taking a long hard look into the special permit for the dumping of material, 9000 Boston State Road LLC., finds that the proposed action will not have a significant impact on the environment, and declares a Negative Declaration and that no further action is required per 6 NYCRR part 617.

three (3) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Councilman Hawkins to approve the Special Permit for the Dumping of Material for 9000 Boston State Road, LLC, at 9000 Boston State Road with the stipulation that the applicant stay away from the flood plains and 18 Mile Creek.

three (3) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins upon the recommendation of the Conservation Advisory Council to appoint Ray Kent to the Conservation Advisory Council term to expire March 1, 2010.

three (3) Ayes Carried

Received and filed a monthly report from the Supervisor, Town Clerk, Tax Collector, Code Enforcement Officers, Dog Control Officers and Town Engineers.

Supervisor Eagan noted that the Town of Boston Nutrition Program has been experiencing a slow down. He noted that more senior participation is needed in order to continuing offering meals to town residents. On August 22, 2007 a picnic will be held beneath the Lion's Shelter to promote the Nutrition Program. There will be no cost to attend. Both senior groups are encouraged to promote participation in the picnic.

Supervisor Eagan also noted that letters would be mailed out to various residents offering information about the Nutrition Program and to invite them to attend the picnic.

Town Clerk Shenk announced that he received two NYS Records Management Grants. The first one allowing those interested to obtain tax information from the town web page and the second to install new space saving filing cabinets in the Clerk's office similar to the ones installed in the Assessor's office.

Town Clerk Shenk also noted the NYS Conservation Licenses will go on sale Monday, August 13, 2007.

A motion was made Supervisor Eagan and seconded by Councilman Hawkins to schedule a Public Hearing for September 5, 2007 at 7:45 p.m. on Proposed Local Law No. 5 of the Year 2007, A Local Law To Op-Out Of Real Property Tax Exemption For Solar And Wind Energy Systems And Farm Waste Energy Systems.

three (3) Ayes Carried

A motion was made Councilman Hopkins and seconded by Supervisor Eagan to schedule a Public Hearing for September 5, 2007 at 7:50 p.m. on Proposed Local Law No. 6 of the Year 2007, A Local Law To Restrict The Location Of Wind Energy Systems.

three (3) Ayes Carried

RESOLUTION 2007-16 INSTALL A STREET LIGHT AT THE INTERSECTION OF BOSTON COLDEN AND LANGO ROADS

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

three (3) Ayes Carried

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DAVID J. SHENK, TOWN CLERK