

Town Board Minutes February 16, 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, Deputy Code Enforcement Officer Lisowski, Clerk DeCarolus.

Rev. Richard Kwiatkowski, Good Shepherd Lutheran Church opened the meeting with a prayer.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to appoint Cathleen Dobson, Jackie Koch, Samuel Smolarek to the Boston Emergency Squad.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to pay Dr. and Mrs. Charles Hornberger at 6966 Pin Oak Drive in the amount of \$2,657.75 for emergency repair for replacement of the electrical cable in the town right of way, which was damaged by the Boston Highway Department in 1999 which became inoperable November, 2004 only if the Town's insurance company denies coverage.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to obtain two additional quotes on the remaining repairs for the replacement of electrical cable at 6966 Pin Oak Drive before the work will begin.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to adopt the minutes of the February 2, 2005 regular meeting

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board, that the fund bills dated February 10, 2005 in the amount of \$208,864.00 be paid.

five (5) Ayes Carried

Received and filed notice of Public Hearing for proposed amendments to the Erie County Sanitary Code.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to refer the Town of Concord Resolution regarding Medicaid Reform to Town Attorney Vacco to present at the March 2, 2005 Town Board meeting.

five (5) Ayes Carried

Received and filed letter from Town of Orchard Park regarding a conservation easement of 41 acres to Boston Valley Pottery.

REQUESTS FROM THE FLOOR

Sandy Hoffman, 7956 Boston State Road expressed her opposition to the Dana Darling Rezoning Application because she was late for the public Informational hearing.

Town Clerk Shenk and Clerk DeCarolis gave a presentation on the Town of Boston Web Page.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to refer the request for appointment from Katherine Praczkajlo to the Zoning Board of Appeals for review and recommendation.

five (5) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Councilman Simmeth to refer the request for appointment from Patricia Thompson and Paul Speich to the Conservation Advisory Council for review and recommendation.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to accept the resignation of Daniel Hurtubise from the Conservation Advisory Council.

five (5) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Supervisor Eagan to refer the request for appointment from David Bernas and Paul Speich to the Planning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins to table the Assessor's request for Compensation of \$9,200 for the 2005 Reval.

Councilman Mead Aye

Councilman Hopkins Aye

Councilman Simmeth Nay

Councilman Hawkins Nay

Supervisor Eagan Nay

two (2) Aye three (3) Nay Denied

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the request for compensation to the Assessor for additional work mandated through the Reval process in the amount of \$9,200 payable over the remaining 2005 calendar year.

Councilman Mead Nay

Councilman Hopkins Nay

Councilman Simmeth Aye

Councilman Hawkins Aye

Supervisor Eagan Aye

three (3) Aye two (2) Nay Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to approve the Use of Facility application from Recreation Director Vara for the following dates: 6/22, 6/29, 7/6, 7/13, 7/20, 7/27, 8/3, 8/10, 8/17 and 8/24, 2005.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the Use of Facility application from Boston Democratic Club for March 26, 2005.

five (5) Ayes Carried

Received a letter from Grant Consultant Connie Miner requesting to amend her current contract.

Town Attorney Vacco stated that she had spoken to Ms. Miner and she is going to formalize an amendment to the contract. Town Attorney Vacco suggested that the Town Board authorize Supervisor Eagan to sign that contract amendment after she reviews it.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to authorize Supervisor Eagan to execute the amendment change from Grants Consultant Connie Miner.

five (5) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Councilman Hawkins to refer the Rezoning request from Rosiek & Green on Boston State Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

RESOLUTION 2005-03 ADOPT SCHEDULE OF FEES

RESOLUTION 2005-04 REFUSE LICENSES BFI & WASTE MANAGEMENT

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to accept the recommendation of the Zoning Board of Appeal to appoint Jennifer Warnes as a regular member, term to expire April 1, 2007.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to deny the Mobile Home Park License renewal for Sprague Mobile Home Park at 8229 Boston State Road.

five (5) Ayes Carried

Councilman Hawkins stated that he received a letter from the Patchin Fire Company requesting that Fire Hydrants be placed within Sprague Mobile Home Park.

Town Attorney Vacco stated that a mobile home park, under New York State Law, couldn't be operated without a license. She also stated that if the Town Board were to revoke a license, the Town Board would have to serve the licensee with 15 days to remedy the conditions after which time the licensee would appear before the Town Board if the conditions were remedied or addressed. At that time the Town Board would consider whether to revoke it. The Town Board has worked with Mr. Boyd since he applied for his application last June. Conditional licenses were granted, and conditions of that temporary license were not met. The Town Board is not looking to put these individuals out. Typically, there would be a timeframe to have everyone move out of the mobile home park. This Town Board has instead decided to attempt to have a receiver of rents appointed, to not displace these residents, but still have them reside in a safe place. The Town Board is trying to find a remedy to get this park up to New York State Code and Boston Town Code.

A motion was made by Councilman Hawkins and seconded by Supervisor Eagan to instruct Town Clerk Shenk to send a letter to the New York State Board of Fire Underwriters requesting them to inspect Sprague Mobile Home Park.

five (5) Ayes Carried

Supervisor Eagan noted that a letter was received from Deputy Code Enforcement Officer Lisowski stating 24 violations remaining within Sprague Mobile Home Park.

Deputy Code Enforcement Officer Lisowski stated that he met with Mr. Boyd and reviewed this list and gave him a copy of every code that was cited under.

DEPARTMENT ANNOUNCEMENTS/ACTIONS

Received and filed monthly reports from the Supervisor, Town Justices, Code Enforcement Officer's, Dog Control Officers, Town Engineer and Recreation Director.

Supervisor Eagan referred request from Assemblyman Quinn requesting the use of the Conference Room on Monday, April 4, May 2, and June 6, 2005 from 1:00 p.m.-3:00 p.m. to Town Clerk Shenk.

Supervisor Eagan noted that on Monday, February 14 Congressman Higgins visited the Town Hall and discussed issues of Social Security, Jobs, Medicaid and Medicare, etc. Town.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to accept the Town Clerk's report for January 2005.

five (5) Ayes Carried

Highway Superintendent Telaak stated that he spoke with Foit-Albert and the surveying on Butternut should be completed by the end of the week.

He also stated that he is looking into purchasing a new tractor/mower to cut grass on the sides of roads/ditches.

Town Attorney Vacco stated that she has a meeting with the President's of each fire company to discuss the Service Award Programs. Penflex has supplied her with a model to follow.

Town Attorney Vacco stated that she is unable to attend the Association of Town's meeting because of scheduling conflicts.

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth to allow Deputy Town Attorney Metzger to attend the Association of Town?s Meeting in the place of Town Attorney Vacco.

five (5) Ayes Carried

Councilman Mead suggested that Town Clerk Shenk and Clerk DeCarolis give the two senior groups a presentation of the Web Page.

Councilman Simmeth asked Highway Superintendent Telaak if the town was doing any in-kind services for the contractors working on the Wildwood Drive Irish Gulf Erosion Project.

Highway Superintendent Telaak stated that his crew was hauling dirt there today.

Councilman Hawkins received a letter from Mr. Giambra, Traffic Safety Advisory Board requesting a meeting with the Town?s Traffic Safety personnel.

Supervisor Eagan referred a letter from Mary Alice Tocke resigning from the Erie County Environmental Management Council to Town Clerk Shenk for review.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to adjourn the meeting at 8:38 p.m.

DAVID J. SHENK, TOWN CLERK