

## Town Board Minutes November 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 Deputy Code Enforcement Officer Lisowski.

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

### RESOLUTION 2005-27 ERIE COUNTY ALL HAZARD MITIGATION PLAN

A motion was made by Councilman Simmeth and seconded by Councilman Hawkins to adopt the minutes of the November 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 fund bills on the Abstract dated November 10, 2005 in the amount of \$139,866.48 be paid.

five (5) Ayes Carried

Received and filed D.E.C notice of Complete Application for Kenneth Schunk, 10143 Trevett Road.

### REQUESTS FROM THE FLOOR

Joe Antos, 5554 Northside Drive asked the Town Board what could be done regarding a neighbor putting garbage and brush near his driveway.

Town Attorney Vacco stated that Councilman Simmeth would speak to this neighbor. We are trying to find the path of least resistance before amending a Town Code.

Councilman Simmeth asked Mr. Antos if the garbage or brush was bothering him.

Mr. Antos stated that now it was the garbage because of the attitude he took when I asked him not to put the brush there.

Councilman Hawkins stated that because the neighbor is in Florida until May, he would wait and talk to him then.

Carl Borowicz, 7108 Liebler Road asked if the absentee ballots have been counted.

Supervisor Eagan stated that we would not know until November 21st.

Mr. Borowicz thanked Councilman Simmeth for everything he has done for him.

A motion was made by Councilman Mead and seconded by Councilman Hopkins to approve the request for an additional night of Live Entertainment from McGirr's Patchin Place, 8326 Boston State Road, on November 23rd, 10:00 p.m. - 2:00 a.m.

five (5) Ayes    Carried

Received a letter of resignation from Michael Pohl from the Planning Board and Capital Improvements Committee.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to accept the resignation of Michael Pohl from the Planning Board and Capital Improvements Committee.

five (5) Ayes    Carried

A motion was made by Councilman Mead and second by Councilman Hopkins upon recommendation of the Planning Board that Timothy Kirst be appointed as a regular member of the Planning Board, term to expire February 1, 2012.

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins to approve the FEMA Administrative Reimbursement request from Highway Superintendent Telaak in the amount of \$3,178.29.

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to table the contract renewal from H & V Risk Consultants, LLC for further discussion.

five (5) Ayes    Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to table the special permit application from Ray Weber, for dumping of material, 7074 Boston State Road for further review.

five (5) Ayes    Carried

Supervisor Eagan stated that a memo would be sent to the Code Enforcement Office requesting that this individual be cited for the dumping of fill without a permit.

Councilman Simmeth read the legal notice.

At 7:45 p.m., a public hearing was held to hear comments regarding Proposed Local Law Number 4 of the year 2005, entitled A Local Law amending Adult Uses in an M Industrial District.

Councilman Simmeth stated that this local law is to put more restrictions on the adult usage law.

There were no comments from the public.

A motion was made by Councilman Hawkins and seconded by Supervisor Eagan to close the public hearing at 7:48 p.m.

five (5) Ayes Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt Proposed Local Law No. 4 of the year 2005 as Local Law No. 3 if the Year 2005 entitled A Local Law Amending Adult Uses in an M Industrial District.

five (5) Ayes Carried

DEPARTMENT ANNOUNCEMENTS/ACTIONS

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

Supervisor Eagan stated the he requested Town Attorney Vacco to contact former Town Attorney Perley in regards to having the proper documentation in regards to a real estate transaction that he handled on the part of the town for the Hickory Meadows Sub-division. He also requested that a registered letter be sent to him in this regard.

Town Attorney Vacco stated that she has attempted to contact Mr. Perley via telephone and email and expects a return phone call soon.

A motion was made by Councilman Simmeth and seconded by Councilman Mead to accept the Town Clerk Report October 2005.

five (5) Ayes    Carried

Town Clerk Shenk noted that he would be on Military leave from December 2 - December 16, 2005.

Highway Superintendent Telaak thanked the Village of Hamburg for the use of their sewer jet truck.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adjourn the meeting at 7:52 pm.

five (5) Ayes    Carried