

## **Town Board Minutes November 7, 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.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adopt the minutes of the October 17, 2007 regular meeting.

five (5) Ayes     Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins, upon review by the Town Board, that fund bills on the Abstract dated November 1, 2007, with a decrease of \$.92 to voucher #794, in the amount of \$77,795.79 be paid.

five (5) Ayes     Carried

Referred to Town Attorney Downey a Town of Orchard Park Resolution regarding the Erie County Sales Tax.

Received and filed a letter from NYS DOT agreeing to install Intersection Warning Signs on Rt. 277 at Woodlee Court. Signs have been installed.

A motion was made by Councilman Mead and seconded by Supervisor Eagan, on the recommendation of Code Enforcement Officer Ferguson, to approve a second accessory building for Mark & Stacie Cifranick, 4908 Eckhardt Road.

five (5) Ayes Carried

RESOLUTION 2007- 29 UNPAID BILLS

RESOLUTION 2007- 30 ESTABLISH THE NYS TROOPER BARRACKS

RESERVE FUND

RESOLUTION 2007- 31 ESTABLISH RECREATION AND PARKS

CAPITAL RESERVE FUND

RESOLUTION 2007- 32 ADDITIONAL FUNDS FOR THE DEVELOPMENT

OF FACILITIES FOR SENIOR CITIZENS

RESOLUTION 2007-33 ADDITIONAL FUNDS FOR THE CONTINGENT AND

TAX STABILIZATION RESERVE FUND

A motion was made by Supervisor Eagan and seconded by Councilman Mead to table the Zoning Review Committee Report until further discussions with the Planning Board.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins, on the recommendation of Code Enforcement Officer Ferguson and Deputy Code Enforcement Officers Lisowski and Juda, to grant the Boston Hills Homes and Estates Mobile Home Park annual license to expire 6/30/08.

five (5) Ayes Carried

Sprague Mobile Home Park remains in violation of code compliance.

Dana Darling, 6540 Omphalius Road, Developer for Webber, Site Plan Review, (Boston Valley Complex), 7074 Boston State Road, stated that regarding the 7074 Boston State Road development, it is acceptable that no building permits will be issued at any time until such time a satisfactory revised Stormwater Plan for Phase One is submitted.

A motion was made by Supervisor Eagan and seconded by Councilman Mead, upon the recommendation of the Town Engineer, to classify the Webber Site Plan Review (Boston Valley Complex), 7074 Boston State Road an unlisted action under SEQR and therefore declares lead agency.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan, upon recommendation of the Town Engineer, as lead agency has determined that after taking a long hard look into the Webber, Site Plan Review, (Boston Valley Complex), 7074 Boston State Road project finds that the proposed action will not have a significant impact on the environment and therefore declares a Negative Declaration and with the understanding that this approval does not imply approval of any issue of rezoning or potential variances.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Supervisor Eagan, to approve the Webber Site Plan Review Phase One (Boston Valley Complex), 7074 Boston State Road contingent upon that no building permits will be issued at any time until such time as a satisfactory revised Stormwater plan for Phase One is submitted.

five (5) Ayes Carried

A Public Hearing was held at 7:46 P.M. to hear public comments regarding the entering into separate Fire Protection Contracts with North Boston Volunteer Fire Company, Inc., Patchin Fire Company, Inc., and Boston Fire Company Inc. for the furnishing of Fire Protection.

Supervisor Eagan read the legal notice.

Ronald Carr, North Boston Fire Company asked what was in the contract noting that he did not receive a copy.

Councilman Dobson responded that the only thing changed was the amounts. The monitor that was discussed remained the same.

Councilman Hopkins noted that he is not comfortable voting on a contract until each fire company has a copy and has reviewed it.

Supervisor Eagan noted that copies of the proposed Fire Protection contracts will be available for each fire company after the meeting.

Councilman Dobson commented that she ordered the contracts be redrawn to reflect the agreed changes to remove the approval for fundraising, correct wrong dates and add the line to not be charged for general repair and maintenance by the Highway Department.

Don O'Bryant, North Boston Fire Company inquired if that included the fuel program.

Supervisor Eagan responded that the Highway Superintendent would be responsible for re-instituting the fuel program.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to close the Public Hearing at 7:52 p.m.

five (5) Ayes    Carried

Councilman Mead inquired if there is a need for another Public Hearing on the Fire Protection Contracts.

Supervisor Eagan responded that if the contract has to be amended due to an item not agreed upon another Public Hearing must be scheduled, otherwise it can be voted upon at the next meeting.

A Public Hearing was held at 7:53 p.m. to hear public comments regarding the 2008 Town of Boston Tentative Budget.

Supervisor Eagan read the legal notice.

There were no public comments.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to close the Public Hearing at 7:54 p.m.

five (5) Ayes    Carried

Councilman Mead inquired if the budget can be approved considering the uncertainty of the details and dollar amount of the Fire Protection contracts.

Supervisor Eagan asked the Board Members if they were comfortable with amount of compensation discussed and identified in the Public Hearing legal notice.

The Town Board indicated they were comfortable with the amounts.

Councilman Mead inquired if the fire companies are comfortable with the compensation amount.

Representatives present from the fire companies noted they were comfortable with the compensation amount previously discussed.

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to adopt the 2008 Town of Boston Budget as follows:

Appropriated

Appropriations Est. Revenues Fund Balance Raised by Taxation

General	1,658,650	993,300	480,000	185,350
Highway	1,260,586	446,980	120,000	693,606
Fire	728,000	0	13,000	715,000
Light	20,000	0	0	20,000
Ambulance	90,000	0	25,000	65,000
Refuse/Garbage	547,000	0	8,644	538,356
Water #1	79,909	0	0	79,909
Water #2	57,000	0	0	57,000
Water #1, Ext.1	6,422	0	0	6,422
Water #2, Ext 2	37,035	0	0	37,035

Water #3      191,500      0      0      191,500

five (5) Ayes      Carried

The 2008 Budget grand totals are as follows: Appropriations \$4,676,102, Estimated Revenue \$1,440,280, Appropriated Fund Balance \$646,644, and Raised by Taxes \$2,589,178.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to adopt the 2008 Elected Officials Salaries as follows: Supervisor \$28,300, (4) Councilman

\$7,770, Town Clerk \$42,450, (2) Town Justices \$14,100, Superintendent of Highways \$48,700.

Councilman Mead      Voting Nay

Councilman Hopkins      Voting Aye

Councilwoman Dobson      Voting Aye

Councilman Hawkins      Voting Aye

Supervisor Eagan      Voting Aye

four (4) Ayes one (1) Nay      Carried

Received and filed monthly reports from the Justice Court, Deputy Code Enforcement Officer and Town Engineer.

Town Clerk Shenk announced that Upstate Transplant Service is holding a blood drive at the Boston Town Hall on Tuesday, November 13, 2007.

Highway Superintendent Telaak reported that the leaf pick-up program is in progress and residents wanting leaves and/or wood chips may contact the Highway Department.

Highway Superintendent Telaak reported that snowplows were in service yesterday, which was a holiday requiring the use of overtime hours as questioned by the Town Board.

Councilman Mead, noting the issues of size, location and theft of political signs, recommended the Town Attorney draft a resolution or Local Law prohibiting political signs in the Town of Boston similar to the law in the Town of Orchard Park.

Town Attorney Downey responded that such a Local Law is unconstitutional and Orchard Park has a gentlemen's agreement between the political parties.

Supervisor Eagan noted he would be in favor of limiting the size of the signs and the Town Code should specify sign dimensions.

Councilman Mead commented that regarding the beautification of the Town of Boston it would be preferable to ban political signs.

Supervisor Eagan as Chairman of the Democratic Party responded that on behalf of the Democratic Party he is open to discussion on this issue that would also have to be reviewed by each political party.

Councilman Hopkins reported that the Christmas Lighting Committee is looking for volunteers who may call him.

Councilman Hopkins asked if the owner of the used car lot next to the Brick Oven applied for a permit.

Town Clerk Shenk responded that the Town Board approved his rezoning from C-1 to C-2, but he is not sure that he was granted a permit.

Supervisor Eagan noted that it must be checked to see if he is licensed to sell used cars.

Councilwoman Dobson commented that she is the one who asked the Highway Superintendent why overtime hours were 310 hours higher this year when there were still two or three months left in the year. His response was, "that's the way it worked" and she discussed that in executive session.

Councilwoman Dobson noted that she was quoted in the news regarding the Highway Superintendent's salary as not having time to review the figures that she received five minutes before the last meeting. She voted yes on the three percent raise budgeted with the possibility of adding to the Park's salary the \$4,000 requested, noting she had no problem with the increase if it was justified. The salary information for twenty-five Highway Superintendents was requested. Boston's salary was higher than ten towns. Seven town's salaries were higher but the towns are not comparable.

Councilman Mead inquired if Councilwoman Dobson gave a copy of this survey to the Highway Superintendent and she responded she did not, but he was given a copy by either Councilmen Mead or Hopkins.

Supervisor Eagan commented that when personnel matters are discussed in executive session it is not our responsibility to turn over documents to anyone or everyone. It is also not proper to release information from executive session.

Highway Superintendent Telaak requested the Highway Superintendents' salaries be read aloud without adding in the Park Superintendent's salary.

Councilman Dobson read aloud the information in her survey including base salaries, years of service, benefits, and Park Superintendent's salary.

Supervisor Eagan read the salaries of North Collins (\$52,375 ? 17 years), Concord (\$57,150 ? 2 years), Eden (\$58,780 ? 12 years) and Boston (\$59,300 ? 3 years) without the Park Superintendent's salary added.

Councilwoman Dobson commented that based on this survey she will not vote to add \$4,000 to the Parks salary and will vote for a 3% increase in the Park Superintendent's salary.

Highway Superintendent Telaak noted that 3% is \$150 a year.

Councilwoman Dobson noted that Highway Superintendent Telaak has the option of taking the Park Superintendent position knowing what it pays and if he doesn't want it he can give it up.

Councilwoman Dobson reported that she is researching the Health Insurance Program.

Councilman Hawkins reported that he contacted Mark Gaston, Erie County Soil & Water, regarding the removal of trees from Eighteen Mile Creek and forwarded an offer to work on the project from the Erie County Prisoner Work Program to Highway Superintendent Telaak.

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to adjourn the meeting at 8:14 p.m.

five (5) Ayes    Carried

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DAVID J. SHENK, TOWN CLERK