

**REGULAR BOARD MEETING
SEPTEMBER 2, 2015**

**TOWN HALL
7:30 P.M.**

Public Notice Cont'd:

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

Contact: Elias Reden, Planner, Erie County Environment & Planning, 95 Franklin Street, 10th Floor Buffalo, NY 14202, Phone: (716) 858-1911, Fax: (716) 858-7248, Email: agriculture@erie.gov.

The Conservation Advisory Council set their schedule for the remainder of 2015 as follows:

September – no meeting

October – will conduct meeting

November – no meeting

December – will conduct meeting

The Conservation Advisory Council is seeking new members, please send letters of request to the Town Board. Conservation Advisory Council members will interview and make recommendations to the Town Board.

Environmental Awareness day scheduled for September 19, 2015 has been cancelled due to lack of interest by outside vendors and presenters. They are looking for new ideas and activities to enhance/replace this event.

The Zoning Board of Appeals public hearing scheduled for Thursday, September 3, 2015 is being cancelled due to the lack of a quorum and is rescheduled for Thursday, October 1, 2015.

Brett White, Liebler Road made a statement regarding the tannerite that went off last week and the use of recreational explosives in the Town of Boston.

Councilman Boardway explained that both the federal and state government allows the use of tannerite. The legislative body of the Town of Boston is very limited to what kind of rules and laws they can make and do not have the authority to enforce, what would be considered criminal violations. He noted that this issue will be looked into further. Legislative Bill #A9871 will change what is considered an explosive.

Rodney Carr, Radio Coordinator for the Boston-Colden Fire Chiefs asked if there was an update on the proposed wireless cell tower.

Councilman Boardway stated that the company will come in and meet with the whole board at the next meeting in 2 weeks.

John Anthon, spoke for several residents and business owners in the North Boston area regarding the flooding issues in that area. He asked the Town Board if it was possible for the town to request immediate emergency replacement of the culvert. He stated it is time for the county to step up and fix this issue.

**REGULAR BOARD MEETING
SEPTEMBER 2, 2015**

**TOWN HALL
7:30 P.M.**

Supervisor Ballowe stated that the board did discuss this tonight and that multiple emails were sent to Legislator Mills.

Town Attorney Kobiolka stated that a resolution can be drafted for the next town board meeting.

Joyce Carr, Boston State Road, had in her hand a folder full of letters that her husband Jim wrote dated back to 1989 to get this culvert fixed. Her home has been flooded four times. This last time she lost her furnace, hot water heater, washer, dryer and electrical panel.

Dennis Willis, Herman Hill, across from Bella Pizza stated that the pipe on Hickory is plugging constantly and overflows the creek and takes a direct path to his house. It blew the walls out of his back porch and windows out of the basement and filled his basement with five feet of water resulting in the loss of their electrical, washer, dryer, furnace, air conditioner and humidifier. His estimated cost of loss is between \$30,000 and \$35,000. This is twice within five weeks his house has been flooded. He cannot keep sustaining these kinds of losses. He is also concerned about losing his garage because of the erosion.

Councilman Murtha stated that Mark Gaston is going to try to find some money to help recoup the losses and is also talking about redesigning the creek and bring in riprap to prevent this erosion.

Supervisor Ballowe reiterated that residents take these issues to our representatives that are at the County level.

Highway Superintendent Telaak stated that the pipe on Hickory will be replaced with a larger one this fall or sometime next spring.

John Anthon stated that Legislator Mills had a meeting last week specifically to discuss the culvert at 7223 Boston State Road and the County Executive did not even have the County engineer there, so there is something dramatically wrong and now is the time to get this fixed. If we can get Congressman Collins, Senator Gallivan, Army Corp of Engineers and Legislator Mills moving in the right direction. He asked if the county can be put on notice.

Highway Superintendent Telaak stated that there are several problems there. The creek is not deep or wide enough and there is a smaller culvert pipe up by the Fire Hall.

Gerald Penn, Thornwood Avenue inquired about the stream behind his house that was filled in by Toni Bernardi with big chunks of cement and it is causing his basement to flood. He asked when this cement can be removed.

Town Attorney Kobiolka asked approximately when this cement was put in the creek.

Gerald Penn stated he blocked up the stream going to the 18 mile just to fill his Pond. Why can't he clean it up?

**REGULAR BOARD MEETING
SEPTEMBER 2, 2015**

**TOWN HALL
7:30 P.M.**

Councilman Murtha stated he would call the DEC and see if they have jurisdiction over this stream.

Russell Goldberg asked if he can have the key for the gate that crosses right-of-way that goes into his property.

Town Attorney Kobiolka stated that the Town Board cannot allow travel across property that is not approved. The road is not up to town specifications and the town would be liable in the case of injury.

Russell Goldberg noted that the Town Board feels it has a right to close a legal right-of-way?

Town Attorney Kobiolka stated it was town property.

Russell Goldberg stated it was not town property.

Councilman Genzel stated that Mr. Goldberg could not have a key and that they have gone around and around about it. He stated that the property is unapproved and it was filled it with no permission and now he wants to go back in there. He stated he didn't know what Mr. Goldberg was up to, but it was something. He asked Mr. Goldberg to explain what it is he wants to do on that right-of-way.

Russell Goldberg stated he wants to put in water and natural gas.

Councilman Genzel stated Mr. Goldberg wasn't going to put his private utilities on a public right-of-way. It is not legal. Erie County Water Authority has not authorized him to do that.

Russell Goldberg stated that the Town Board was delaying things and by delaying things the Town Board is causing him damage by delaying access to his property.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to close the floor.

five (5) Ayes

Carried

A motion was made by Councilman Genzel and was seconded by Councilman Murtha to approve the Use of Facility Application from the Boston Lion's Club for September 27, 2015 from 12 pm to 5 pm for a fundraiser.

five (5) Ayes

Carried

**REGULAR BOARD MEETING
SEPTEMBER 2, 2015**

**TOWN HALL
7:30 P.M.**

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe, on the recommendation of Code Enforcement Officer Ferguson, to approve a second accessory building for Craig Zolnowski, 6830 Omphalius Road.

Supervisor Ballowe	Aye	Councilman Boardway	Aye
Councilman Genzel	Nay	Councilman Murtha	Nay
Councilman Vara	Aye		

three (3) Ayes (2) two Nay Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Genzel to table the request from Katharine Praczakjlo to be appointed as Chairman of the Zoning Board of Appeals .

Supervisor Ballowe	Aye	Councilman Boardway	Aye
Councilman Genzel	Aye	Councilman Murtha	Nay
Councilman Vara	Nay		

three (3) Ayes (2) two Nay Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to approve the refund of Loren Bower's Special permit fee of \$150.

five (5) Ayes Carried

A motion was made by Councilman Vara and was seconded by Councilman Boardway to appoint James Dix as a member of the Boston Emergency Squad and will continue until such time as resignation, removal or replacement.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to authorize the bookkeeper to apply for an Evans Bank Visa Business Credit Card. The Card comes with the following conditions: No annual fee, rewards cash back and a \$3,000 Limit. It will be locked in the bookkeeper's safe and only authorized & pre-approved purchases made. Supervisor Ballowe and parks worker Scott Fellows to be named as authorized users.

five (5) Ayes Carried

The following sealed bids for the Selective Clearing of the 18 Mile Creek Streambed were received and opened on Wednesday, August 19, 2015 at 10 am:

Clover Greens Lawn Services, Inc.	\$ 21,500	J. F. Krantz Nursery	\$19,480
Tree Care, NY LLC	\$ 24,650		

**REGULAR BOARD MEETING
SEPTEMBER 2, 2015**

**TOWN HALL
7:30 P.M.**

A motion was made by Councilman Murtha and was seconded by Supervisor Ballowe to award the bid for the Selective Clearing of the 18 Mile Creek Streambed to J. F Krantz Nursery at a cost of \$19,480.

five (5) Ayes

Carried

Town Clerk Mulé had had nothing to report.

Highway Superintendent Telaak reported on the following:

- Brush pick up will continue through September.
- Boston Cross Road paving work.
- Brush and wood chips will be available.

Town Attorney Kobiolka had nothing to report.

Councilman Murtha had nothing to report.

Councilman Genzel reported on the following:

- As fire company liaison August calls were as follows: Boston-13, Boston Ems-47, North Boston-16 and Patchin-13.
- Meeting on September 16th with Landmark Wealth Management to discuss the Fireman's Award program.
- Boston Cross drainage project almost complete.
- Sympathized with the residents who lost personal items due to the flooding.
- Stated he has asked Legislator Mills to get this culvert replaced.

Councilman Boardway reported on the following:

- Suggested residents contact their insurance companies and make them aware that this is a repeated problem and the county has been on notice and ask them to subrogate against the county. Get your insurance companies to go after these people to get their money back.
- Town of Boston will no longer be collecting taxes for the Hamburg and Orchard Park School District. Notifications will be going out to those residents in those districts. There is not going to be anything more that the Town of Boston is going to do except possibly place something on the Website. Feel free to contact the Hamburg or Orchard Park School Districts. This is pretty much a done deal as far as the town is concerned.

Councilman Vara reported on the following:

- Contacted Waste Management to pick up some of the extra debris left by the flooding.
- The split rail fence was installed along the walking path by the Boy Scouts.
- The South Boston park basketball court will be resurfaced.

**REGULAR BOARD MEETING
SEPTEMBER 2, 2015**

**TOWN HALL
7:30 P.M.**

Supervisor Ballowe reported on the following:

- Received monthly reports from the Supervisor, Town Clerk, Tax Collector, Code Enforcement officer and Dog Control.
- Wrapped up kids day and summer recreation and the summer concert series.
- Will continue to make phone calls and send emails to the county regarding the flooding. He suggested the residents do the same

A motion was made by Supervisor Ballowe and was seconded by Councilman Vara to adjourn the meeting at 8:50 p.m.

five (5) Ayes

Carried

JENNIFER A. MULÉ, TOWN CLERK