

Town Board Minutes August 4, 2010

Present: Supervisor Martin A. Ballowe, Councilmen James E. Pluta and Jeffrey A. Genzel and Jay P. Boardway and Councilwoman Cathy A. Maghran.

Also Present: Town Attorney Kobiolka, Highway Superintendent Telaak and Code Enforcement Officer Ferguson.

Rev. Bonnie Bates, Faith United Church of Christ, opened the meeting with a prayer.

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to accept the minutes of the July 7, 2010 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Boardway, upon review by the Town Board, that fund bills on the Abstract dated July 30, 2010 in the amount of \$300,431.89 be paid.

five (5) Ayes Carried

Received and filed NYSDEC Notice of Complete Application for Colonial Drive Streambank. Town Clerk Shenk noted that this application has been approved.

Received and filed NYS Department of Public Services ? NYSEG Proposal.

Received and filed Notice from Town of Aurora ? Solicitation for Lead Agency Status, WECS Local law.

Ron Yormick, 6405 Deanna Drive, inquired on the status of the BMH Community LLC Rezoning Application and what the next step in the process is.

Councilman Boardway replied that it is on the agenda tonight. Our town engineer has made some recommendations that it be tabled tonight based on some wording that needs to be changed in the application. The Planning Board recommended to the Town Board that this application be resubmitted.

Kevin Cleary, Bartender at the Boston Hotel: Addressing the parking issue in front of the Boston Deli and Boston Hotel. I feel the way it is set up at the point is unfair and discriminatory, to the Boston Hotel. 90% of our business comes in after 5 pm. Many of these people are young couples with very small children, elderly people, or handicapped. They do not want to park across the street. It is unsafe to walk across a busy intersection, on a blind curve, and expect them to show up at our door. They have been getting off in front of the Boston Hotel with a 20 foot walk to the doorway. I hear comments every night, am I going to get a ticket for parking out here and I have to assure them that it is going to be looked at again.

Kevin Cleary Cont'd: Please take a second look; you have created a safety hazard of utmost concern to these various groups. From a personal standpoint, I speak for the 18 employees who do not want Mr. Dellamore to pull his business out of Boston because the business has been going backwards since this parking issue has surfaced.

Paul Kosanovich, 9302 Robin Drive: Is a 42-year resident of Boston and supportive of Kevin Cleary's position. It is a health and safety issue.

Clive Rucker, 6910 Boston Cross Road: Has the town ever looked in the possibility of getting a traffic light instead of a caution light?

Supervisor Ballowe: That is a county road.

Clive Rucker: What do you need to do to apply to get it changed to a traffic light? It is a very dangerous road, when coming out of Boston Cross Road, many cars come around the curve so fast.

Councilwoman Maghran: We can resubmit and bring it to the attention of Erie County Legislator Dixon.

Clive Rucker: They will wait until someone gets killed.

Councilman Boardway: A bad accident at Boston State and Boston Colden roads resulted in a light at that intersection.

Paul Kosanovich: Why are there no stop signs at the ends of Short Street?

Supervisor Ballowe: I will look into that.

Hannah Ahlquist, 6585 Mill Street: I spoke with Former Supervisor,

Eagan some time ago. I am in Water District #2 and have no water. Former Supervisor Eagan told me I would be kept apprised of what was going on with the expansion, which I see is going on now. I am wondering when water is coming to Mill Street.

Councilman Genzel: I am not aware of any expansion at this time that is going up that hill.

Hannah Ahlquist: Can I request that it is looked into, because I have no water.

Councilman Genzel: Certainly. We will look at the feasibility of running water up Mill Street.

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to accept the resignation of Cynthia Edington, Clerk PT in the Court Office.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to appoint Anne Sanders to the position of Clerk PT in the Court Office. Term retroactive to 07/27/10 and expires 12/31/2010.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to appoint Cheryl Ehlers to the position of Assistant Summer Day Camp Health Director. Term retroactive to 07/06/10 and expires 08/11/2010. She will be paid \$100.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to appoint Dolores Valentine to the position Nutrition Program Assistant Substitute, term effective 07/19/10 ? 12/31/10.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to appoint Kevin Lewis to the Boston Emergency Squad and will continue until such time as resignation, removal or replacement.

five (5) Ayes Carried

A motion was made by Councilman Genzel and seconded by Councilman Pluta to approve the request for an additional accessory building contingent upon the Zoning Board of Appeal's approval for Catherine Picone at 9319 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilman Boardway to approve the Use of Facilities Application for Boston Patriots Little League Football effective 08/02 ? 11/02/10.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to authorize Assessor McSkimming to attend a training conference held by NYS Assessors Association in Lake Placid, NY 09/26 -09/29. All appropriate expenses to be paid.

five (5) Ayes Carried

Councilman Boardway stated that Assessor McSkimming is also a PT Assessor in Cheektowaga, NY. In the event that this request comes in next year, we are going to explore the possibility of sharing the cost for training.

A motion was made by Councilman Pluta and seconded by Councilman Genzel to approve the request of Southtown's Meals on Wheels volunteers to be reimbursed for mileage at .35 per mile.

five (5) Ayes Carried

A motion was made by Councilman Genzel and seconded by Councilman Boardway to table the request by Melinda Umlauf for an In-law apartment addition at 7118 Boston Cross Road until she fulfills the requirements for a Special Use Permit before the Building Permit is issued.

five (5) Ayes Carried

Town Attorney Kiobiolka reported that an Unsafe Building hearing for The Boston Hotel at 9378 Boston State Road was held on July 7, 2010. At this time, the board has not made a decision. Attorney Kobiolka urged the Town Board to withhold making a decision on this matter until the next Town Board meeting on September 2, 2010. This would give the owner time to do the following: 1) Obtain an Engineer's Report to reconstruct the building, 2) To provide the Town Board with a start date for construction, and 3) Within the next 7 days, place a safety chain-link fence around the property. The principal owner of the property is present tonight but will also be notified in writing.

A motion was made by Councilman Boardway and seconded by Councilman Genzel to table the unsafe building decision pending the property owner be provided a list of requirements to be met.

five (5) Ayes Carried

Received and filed correspondence from Tara Pfarner regarding the Boston Hotel.

Councilman Boardway reported that the Town Board had previously approved the installation of internet capabilities to be installed from the Town Hall to the Highway Garage and the Emergency Squad Building with the Highway Department completing the trenching work but due to their work schedule this is not possible.

Councilman Boardway cont'd: The following quotes were received for trenching:

Sharco Enterprises, Inc. \$8,056.50

Dana Darling Construction \$8,250.00

Overhead wiring (Arial Cable)

MVP Network Consulting, LLC. \$11,037.50

A motion was made by Councilman Boardway and seconded by Councilman Pluta to accept the quote from Sharco Enterprises for \$8,056.50 for trenching, PVC pipe and pullbox.

five (5) Ayes Carried

Received and filed a recommendation from the Planning Board that proposed mobile home community project be resubmitted by the applicant as described by the Town Engineer.

A motion was made by Councilman Pluta and seconded by Councilwoman Maghran on the recommendation of the Planning Board to table the Rezoning Application from BMH Community, LLC ? Proposed Mobile Home Park at Boston State Road and Deanna Drive until the applicant complies with the requests of Town Engineer Hannon.

five (5) Ayes Carried

Received and filed monthly reports from the Supervisor, Town Clerk, Tax Collector, Assessor, Code Enforcement, Recreation and Dog Control Officers.

Supervisor Ballowe stated that he met with County Legislator Dixon in regards to getting work done on Boston State Road. Ditches were cleaned out and culverts installed to help with the drainage from the work being done on the Power Line. The County oiled and stoned Back Creek Road. The Town Hall parking lots and back roads were also oiled and stoned. The Trooper Barracks have been hydro seeded and the berm built. The shrubs will be planted between the trooper barracks and the houses to create a barrier. It appears that when the Highway Department cleaned out the pond behind the Town Hall there are leaks. These leaks will be attempted to be repaired; if that does not work, then they will grade down the sides for safety.

Town Clerk Shenk reported that during the last Town Blood Drive there was a challenge set between the Boston Emergency Squad and the Fire Departments. The Boston Emergency Squad won the challenge. The NYS Police have decided to join the next challenge. The last challenge produced twice as many donations as the previous blood drive. The next Blood Drive is Tuesday, September 7, 2010. There are prizes that will be awarded to the winning organization. Barbara Moore is to be applauded for her efforts in improving the participation in the Blood Drives.

Highway Superintendant Telaak reported that the next brush pickup will be the first week of September and the first week in October, which will be the last pickup of the year. Highway Superintendant Telaak thanked Supervisor Ballowe for funding the seeding and the hydro-seeding materials at the Trooper Barracks. The labor was supplied by the Highway and Parks Departments. Highway Superintendant Telaak stated fixing the pond will take about three to four loads of clay. The Highway Department oiled and stoned approximately 8 miles of roads. All roads have been swept. A couple of changes have been made to the specs for the truck, which will be turned in. There is money in the budget for a new pickup truck.

A motion was made by Councilman Boardway Pluta and seconded by Councilwoman Maghran to set the bid opening for August 23, 2010 at 10:00 am for a ¾-ton 4WD extended cab pick up truck.

five (5) Ayes Carried

Supervisor Ballowe asked Councilman Pluta to be involved in the fixing of the ponds.

Councilman Genzel wanted to clarify a motion that was tabled at the last meeting and make it a motion to enter into review of the three fire companies in preparation for the negotiations this year. The Town Board members met with members of Boston, Patchin and North Boston Fire Companies. These meetings were very informational.

A motion was made by Councilman Genzel and seconded by Councilman Boardway that the fire companies provide a budget to the Town Board.

Supervisor Ballowe Aye

Councilman Boardway Aye

Councilman Genzel Aye

Councilman Pluta Abstained

Councilwoman Maghran Aye

four (4) Ayes one (1) abstained Carried

Supervisor Ballowe explained that it was necessary for Councilman Pluta to abstain because he is a firefighter. He is allowed to be present at meetings but is not allowed to vote on items concerning his fire company or other fire companies. Councilman Pluta felt he should abstain from the three meetings with the fire companies, since he understands the workings of a fire company, and let the other Town Board members gather the information needed.

Councilman Genzel: As Engineer Liaison, I have been in contact with Town Engineer Hannon to review variance requests. We are starting Sanitary Sewer Rehabilitation on Edgewood, Pinecrest, Valley Circle, and Heinrich Roads, and are waiting for the contracts to be approved by the County Attorney. The bridge on Trevett Road is having \$100,000 in repairs done by the county this year.

Councilman Genzel Cont'd: Next week the Engineering Committee will meet with the USDA in regards to possible water line extensions on the West Hill. The Drainage Committee approved three projects; May Drive and the Lewis property at 9046 Boston State Road for erosion control and bank stabilization, and the Anthony Gulf behind the Patchin Fire Company, for channel clearing and snagging. Colonial Drive will be worked on for erosion control and bank stabilization which is sponsored by Erie County so there is no cost to the Town of Boston residents. One project was denied, Tammy Nordblum, 7709 Back Creek Road. The Drainage Committee feels that it is worth pursuing after an appeal. With the help of Erie County Legislator

Dixon, Erie County replaced the culvert on Boston State Road near People Inc. and performed ditch cleaning. Councilman Genzel noted the next Planning Board meeting is August 10, 2010. We are waiting for comments back Planning and Zoning Board members and the Town Board members concerning the revised sight plan process. The Christmas Lighting Committee is meeting this month to assess the town's needs. The committee is always looking for volunteers. The Capital Improvement Committee's next meeting is in September.

Councilman Boardway: There have been four meetings with representatives from the three fire companies dealing with Penflex, the administrator of the Fireman's Benefit Program. The Town Board is the trustee of the Service Award Plan. It has become enormously expensive due to market conditions. Penflex has recommended the Town contribute \$307,000 to keep this plan healthy. We are working with them to try and make this number more manageable, both immediately and in the long term and to bring the cost of this program under control. It is a Defined Benefit Plan which means the firemen earn a certain amount of money per year of active service. They never get raises or increases. It is a valuable plan. It helps with their recruitment, and retention of members.

The Town took a lot of advice from the Fire Chiefs and Presidents of the companies and gave the administrators of the plan some very specific direction to mitigate their losses. When they see things happening in the plan; we need to know about it immediately. They were down 14% for the quarter this year and they were just sitting there losing money.

On an immediate basis, we moved the money into cash funds, so that it will not keep losing money. There is going to be a new active management company in place which is going to watch these funds closely and have more control to move the money quickly when they see market conditions changing. We met three times with the fire companies and they were focused on the learning curve we have as four non-firemen on this board that have to decide what we can give them in the next couple of years. I would like to thank the three Chief's and President's of the three fire companies for allowing us to see each operation individually. We toured the fire halls; saw the individual needs to each fire company. We now have a complete understanding of the financial aspects of running these halls the challenges that each company faces. The motion heard earlier has to do with information we requested the fire companies provide us regarding their operations. We will keep you apprised on how the negotiations on those contracts are going.

Councilman Boardway: I have received an email from a resident regarding our denial of the trailer park permit for Sprague Park; we addressed his immediate concerns. The main concerns were too much neglect at the park, and we are going to act upon it.

Councilman Boardway Cont'd: I met with a resident today, on Boston Colden Road. National Grid has been coming through town asking for easements along the Power Line. They are installing huge new power lines; they now have to have wider easements than they used to have. There has been 36' to 39' easements and now they have to come out an additional 25' on each side. I met with Dan Manly of National Grid, and representatives from Davey Tree Company, Ms. Pfluger and her son to remedy the situation. An employee of National Grid is using strong-arm tactics. Mr. Manly was told this gentleman is no longer 'invited' to our town.

Mr. Manly assured me that he will take care of it, and will call me with a confirmation. The other salesperson is going to handle most of the actual contact with residents. If you live near the Power Line and are contacted by a representative from National Grid about an easement, you can call me for any information. You are also advised to contact your own personal attorney. Don't sign anything without contacting someone.

Barbara Moore, 7004 Liebler Road asked for clarification on the footage.

Councilman Boardway confirmed PSA guidelines for the size and importance of the power lines require almost 100 feet from the center line of the power line. Basically it is an additional 25 feet past the existing right-of-way. The right-of-way belongs to National Grid. It does involve cutting down a substantial number of trees. We don't necessarily think they are giving fair value for the easements. Another concern discussed with Councilman Genzel is that there are some valuable trees being cut down and removed. We are not sure if residents are being offered fair value for the timber that is being taken off their property. I am investigating this further tomorrow morning.

Councilwoman Maghran noted that the Town Board sponsored Kids Days at the town park where they served 280 ice cream sundaes and snow cones. The children had a blast on the bounce house. The seniors joined us and had sundaes. Summer Recreation was a success. Friday Night Recreation will run November through April. Applications for staffing of the Friday Night Program are now being accepted. The Concert Series has been very successful. The Boston Band performed last week for approximately 400 people. The Chamber of Commerce ran their Ice Cream Social for their Scholarship Fund. Thanks to Bob Brunner for donating a \$25 Gift Card for J.P. Fitzgerald's to be raffled off at each of the concerts.

Herb Klein raised over \$600 in a 50/50 raffle for Rev. Sprehe's medical expenses. The Boston Band was invited to play in Orchard Park, which is a great compliment to Boston. Football and cheerleaders have started their practices. There is still room for both varsity and junior varsity football players and cheerleaders. I have submitted a permit to the Health Department for the concession stand and they are coming out for inspection. The Town's permit expires 08/31/10.

Town Clerk Shenk added that the overheads above the stove have just had their annual inspection.

Councilwoman Maghran again thanked North Boston, Patchin, and Boston Fire Companies for the very informative meetings. It was very much appreciated.

Supervisor Ballowe thanked all those involved in helping make Kids Days a great success.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:22 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK