

Town Board Minutes December 21, 2011

Present: Supervisor Martin A. Ballowe, Councilmen Jeffrey A. Genzel, Eugene S. Wieckowski, Jr. and Councilwoman Maghran.

Excused: Councilman Jay P. Boardway

Also Present: Town Attorney Kobiolka and Highway Superintendent Telaak.

Councilwoman Maghran requested that Town Attorney Kobiolka draft a resolution opposing the NFTA's decision to eliminate the bus route to the Town of Boston.

A motion was made by Councilman Wieckowski and was seconded by Councilman Genzel to accept the resignation from Sean Crotty from the Office of Emergency Management.

four (4) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilman Wieckowski to adopt the minutes of the December 7, 2011 regular meeting.

four (4) Ayes Carried

A motion was made by Councilman Wieckowski and seconded by Supervisor Ballowe upon review by the Town Board, that fund bills on the Abstract dated December 15, 2011 in the amount of \$88,042.27 be paid.

four (4) Ayes Carried

Bob Kohler of South Abbott Road informed the Town Board of some water problems destroying his driveway. He noted that this was brought on from the installation of pipes by the county. Since that time he has called the Erie County Highway Department to try and resolve it. He noted that he has spoken with Supervisor Ballowe but unfortunately, there has been no resolution except the county wanting him to move his driveway. He does not feel this is necessary after living there for seventeen years without any issues.

Supervisor Ballowe noted that representatives from Erie County will be stopping out tomorrow to look at this issue. Councilman Genzel also has contacted Town Engineer Hannon. As soon as a date is confirmed, he, Councilman Genzel and Town Engineer Hannon will be out to discuss possible resolutions and present them to county officials.

Bob Kohler feels this is a public safety issue.

Supervisor Ballowe noted that he and County Legislator Dixon have been there and have been working with the county. He noted that he would be at the meeting tomorrow as well.

At 7:40 p.m. a Public Hearing was held to hear comments regarding the amendment of the Boston Town Code Chapter 16, Code of Ethics.

Supervisor Ballowe read the legal notice.

Reverend Dr. Bonnie Bates, Chairman Ethics Committee Chairman: The Boston Town Code of Ethics has not been revised since December 2, 1970 and a decision was made to compare it to other prevailing laws as well as changes in the State law and have revised it for both clarity and completeness. We are pleased with the product we have provided to the town, that includes definitions that provide us with information about what a conflict of interest is, who our municipal employees and officer are, what a town agency is, how the Ethics Board is developed, appointed and how the chairs are named. She noted that the document is currently on line. She noted that this will not be passed today, that this is an informational hearing to take questions from the public, this will then have to be rewritten as a town law, and then there will be another public hearing to formally adopt it

A motion was made by Supervisor Ballowe and seconded by Councilman Genzel to close the public hearing at 7:43 p.m.

four (4) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilman Wieckowski to schedule a Public Hearing for January 18, 2012 at 7:40 p.m. on Proposed Local Law No. 1 of the Year 2012, Entitled Amendment of the Boston Town Code Chapter 16, Code of Ethics.

four (4) Ayes Carried

Supervisor Ballowe: We have been in negotiations with the Highway Department for the 2012, 2013 and 2014 contract. We have had numerous meetings. Instead of using the Health Insurance through the Union, they now will use the Health Insurance offered through the Town of Boston.

Supervisor Ballowe Cont'd: By doing this, there will still be raises given and there will be a cost savings of around \$17,800 for the first year. Article 16, No. 7 deals with additional duties given to a MEO outside their normal duties and them being given an additional two dollars per hour only while doing those additional duties.

A motion was made by Supervisor Ballowe and was seconded by Councilwoman Maghran to approve the Highway Department Collective Bargaining Agreement upon the Union accepting the terms of Article 16, No. 7, term January 1, 2012 through December 31, 2014.

four (4) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Wieckowski to appoint Frank Lisowski to the Assessment Board of Review term to expire September 30, 2016.

four (4) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Wieckowski to appoint Jennifer Lucachik as a regular member of the Planning Board term to expire December 31, 2017.

four (4) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Wieckowski to approve the 2012 worker's compensation and employee liability pricing at a cost of \$106,096. This amount reflects a 2% discount for paying the total in full.

four (4) Ayes Carried

Supervisor Ballowe noted that the new project name for the Boston Mobile Home Community, LLC will now be called the Brookfield Residential project.

Sean Hopkins, Project Manager for the Brookfield Residential Project: As you will recall, we started this project in May of 2010. At that point we were proposing rezoning approximately 42 acres from R-2 and R-A to R-4 to accommodate 110 mobile home sites. Based on input from the Planning Board and town residents we eliminated mobile home sites from the Northern portion of the property, which is the extension of Deanna Drive which left 55 mobile home sites on the Southern portion of the property that would have required rezoning of approximately 22 acres. That plan was again presented to the Planning Board, Town Board and input from residents, we decided to start over. What we are now proposing is extending Deanna Drive exactly the way it was meant to be, as single-family lots.

Sean Hopkins Cont'd: So rather than having any mobile home sites, we are going to replace those with attached patio homes. These will be single story, patio home type units that will hopefully be attractive primarily to seniors, but may also be attractive to young professionals, empty nesters, etc. We would like to move forward with this process and go back to the Planning Board and start the formal review process.

Photos of this project were disbursed to the Town Board members.

Sean Hopkins: The height of the units will be less than the height of any home in the Town of Boston. The pricing of these units will be approximately \$1,000 a month for 950 square feet of space. Hopefully

it will be attractive to someone that owns a house in Boston, growing older but does not want the maintenance, responsibilities, taxes, etc. These are rental units where all maintenance will be covered. They will not be for sale. These units will be assessed at full market value and built in phases depending on the market.

Councilman Genzel: The sponsors of this project have listened to the concerns of the citizens, the Town Board and the Planning Board and converted their plan into something exciting for the Town of Boston.

Councilwoman Maghran: If approved, is it correct that there is no chance that a mobile home park can be put in there?

Sean Hopkins: That is correct because R-3 would not allow it.

A question and answer session took place with audience members who did not use the microphone; therefore their voices were not audible for transcription.

Sean Hopkins: In terms of acreage used, we are still proposing twenty-seven and a half acres will be permanent green space and a maximum of 108 units.

A motion was made by Supervisor Ballowe and was seconded by Councilman Wieckowski to refer the Brookfield Residential Project to the Planning Board for review and recommendation.

four (4) Ayes Carried

Received and filed monthly reports from the Town Clerk, Assessor, and Code Enforcement Officer.

Supervisor Ballowe thanked everyone who took a tag from the tree and bought gifts for the children.

Supervisor Ballowe thanked Councilman Wieckowski and Councilwoman Maghran for their hard work as Council people and wished them the best for their future. He noted that a lot of projects were accomplished. We now have a Recreation Center; updated some buildings, bought new park equipment, had new decking built on the pond, etc.

Deputy Town Clerk Mule' stated that it was a pleasure to work with Councilwoman Maghran and Councilman Wieckowski.

Highway Superintendent Telaak noted that Mayer Road is a County owned road. Erie County wants to turn this road over to the Town of Boston. Several issues with the road need to be fixed before the Town of Boston will do this. Erie County took the Town of Boston off the contract to plow that road.

Highway Superintendent Telaak requested that Town Attorney Kobiolka send Erie County Highway a letter stating that because Mayer Road is a county road and the county is not going to pay the Town of Boston to plow it, it is the county's responsibility to keep it plowed.

Councilman Wieckowski thanked the Town of Boston employees for their help and support during his time as councilman and it has been an honor and privilege to serve the public.

Councilman Genzel as Engineering Liaison noted that all contracts were signed at the pre-construction meeting for the Cole Road Water No. 3, ext. 1.

Councilman Genzel as Planning Board Liaison noted that they are always looking for new members. Anyone interested, please submit a letter and resume to the Town Clerk.

Councilman Genzel as Drainage Liaison noted he visited Vince Monaco from 5835 Cloverfield regarding a septic tank that has collapsed causing a sinkhole. He also received a call from Norm Nawrocki of 6435 Rice Road regarding a drainage easement across his property.

Councilman Genzel as Christmas Lighting Liaison noted the lights look great and are always looking for donations to help keep the lights in working order.

Councilman Genzel noted that his campaign promise to donate 20 percent of his salary back to the public was graciously done by donating to and sponsoring numerous Town of Boston organizations.

Councilwoman Maghran expressed her sincere pleasure and gratitude for serving on the Town Board and suggested that the residents should increase their salary because of the time demands of the position.

Councilwoman Maghran Cont'd: She thanked the Town Board and numerous town officials and boards for their expertise, hard work, and support of her during her term. She also thanked the Boston residents and reminded them of their responsibility to be the watchdogs of those they put into office.

All the Town Board members including Town Attorney Kobiolka and Highway Superintendent Telaak thanked Councilwoman Maghran and Councilman Wieckowski for their service to the Town of Boston residents and wished them the best of luck in their future.

A motion was made by Supervisor Ballowe and seconded by Councilman Genzel to adjourn the meeting at 8:20 p.m.

four (4) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK