

## Town Board Minutes February 15, 2012

Present: Supervisor Martin A. Ballowe, Councilmen Jeffrey A. Genzel, Jay P. Boardway, and Lawrence A. Murtha.

Excused: Councilman Gary E. Vara.

Also Present: Highway Superintendent Telaak, Town Attorney Kobiolka.

A motion was made by Councilman Genzel and was seconded by Councilman Boardway upon the recommendation of the Planning Board to approve the Site Plan application from Emerling Chevrolet for their expansion/addition retroactive to January 26, 2012.

four (4) Ayes Carried

Councilman Boardway noted that because the interest rates are so low right now it is advantageous for the Town of Boston to look at some of its debt load. The resolution being presented is in regards to the Trooper's Barracks. Occasionally we have a chance to refinance our Bonds in addition to refinancing the bond remaining on the Trooper's Barrack's, we would like to move about \$280,000 in surplus funds to bring it down to a one million dollar debt that would remain on the Barracks to refinance at the lower rate.

RESOLUTION 2012-24 AUTHORIZING A SUPPLEMENTAL BUDGET APPROPRIATION  
PURSUANT TO TOWN LAW SECTION 112

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to adopt the minutes of the February 1, 2012 regular meeting.

four (4) Ayes Carried

A motion was made by Councilman Murtha and seconded by Supervisor Ballowe, upon review by the Town Board, that fund bills on the Abstract dated February 9, 2012 in the amount of \$61,346.65 be paid.

four (4) Ayes Carried

Received and filed correspondence from Town of Hamburg regarding a proposed five-lot subdivision on Taylor Road.

Councilman Genzel noted that this is a subdivision in the Town of Hamburg, not contingent with the Town of Boston. It was sent as a courtesy only.

Jennifer Lucachik, member of the Planning Board: I heard that there will be an appointment brought up under old business. If it is regarding Mr. Richard Skinner, then I do not need to be up here. I do not know whom that appointment is regarding.

Town Clerk Shenk: I believe that the intention of the Town Board is appoint one of the alternates to a term to expire February 1, 2019, and that currently is Mr. Skinner's term.

Judy Rados: I would like to comment on the decision made by the Town Board last meeting to make the Orchard Park Press the official paper of the Town of Boston. I understood the reason to be that it was due to circulation numbers. I did my own research and came up with the following numbers: Hamburg Sun-8,600, Springville Journal-3,500, and Orchard Park Press-3,000 of which only 763 are mailed within Erie County. I was also informed that the Hamburg Sun gives us a rate of .45 per line to publish in both the Sun and the Journal, a savings of 34 ½ cents per line for publication if in two papers. These two papers the taxpayers have known to be our official paper for over twelve years. That in essence means the circulation is 12,100 as opposed to 3,000 with the Orchard Park Press. A paper unknown to our taxpayers requires membership on Facebook in order to access online, which is not something everyone wants to or can do and has a higher cost for subscription. There is also a burden now of having to read two or three papers because tax payers have to watch for news and legal notices in the Sun and Journal. You spoke of the elderly in our town. I know elderly people on a fixed income that share the Hamburg Sun to save costs and who do not own computers. The Town of Orchard Park does not utilize the Orchard Park Press due to lack of circulation. I have also referenced town law from the website of the NSY Association of Towns. I assume this is an association used by you to be a worthy reference for town law and suggestions. Town Law, Chapter 3,

Section 3-1, Item #2 states when a Town Board member votes on a proposal before a Town Board he or she is representing through that vote the views of all the residents of the town thus a high personal responsibility rests on individual Town Board members. It requires they exercise careful consideration in making important decisions that will affect the lives of town residents and businesses. I personally feel your decision was not in the best interest of this town. I can only surmise that personal feelings clouded your judgment as you did not give a compelling enough reason to justify changing the town's paper. It leads me to believe you are trying to hide something. As you know not many people attend these meetings and will never know you changed the paper. I am requesting you reconsider choice of papers keeping in mind the best interest of the taxpayer. If you chose not to than I am asking you to consider publicizing the legal notices in the Hamburg Sun in addition to the Orchard Park Press. The Associations manual Chapter 4, Town Board meetings, Public hearings states if the town by virtue of law must have as it's official newspaper with a weekly or somewhat limited distribution, than perhaps the notice of hearing should additionally be published in a paper with a broader circulation.

Supervisor Ballowe: The town switched the official paper for cost savings on publications of legal notices. It is a huge savings. The Hamburg Sun still covers the Town. As far as circulation, it is hard to get a true number without seeing every resident who buys in town. You can base your circulation on the numbers and the percentages but we do not know who really buys in the Town of Boston. The Hamburg Sun and the Orchard Park press are here tonight. Both these papers do a fantastic job of covering our town. But as a cost saving measure, I am sure you can appreciate this as taxpayers, that we are watching how your money is spent. You are right, not everyone can utilize the internet. But I believe a large majority do and can view the legal notices on the website. If there is an instance that a person feels they did not have the opportunity to read something and we feel it is justified, we can table the issue as we have done in the past. I believe this is a good choice when it comes to watching out for the taxpayer's money.

Judy Rados: At two previous meetings this Town Board tabled this decision and the reasons were because you wanted to review the circulation. Even when you passed it, there was no mention that it was a cost savings fact.

Supervisor Ballowe: Councilman Boardway read the numbers.

Judy Rados: He read the numbers, he did not say it was a cost saving move. He said it was a circulation move. I hope the residents get to read the Orchard Park Press, but there are a lot of people that just cannot afford two and three newspapers. Legal notices for the School are in the Hamburg Sun.

Supervisor Ballowe: The school definitely has a bigger budget than we have. David and I spent a lot of time going through this circulation. It is hard to break it down. It is important to us that they stay at their price.

Supervisor Ballowe noted that at times guest speakers attend the Agenda Review meetings which can prohibit them from getting everything completed and to abide by the open meetings law.

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to change the Agenda Review meeting time from 6 p.m. to 5:30 p.m.

four (4) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to refer the request for appoint of Jason Keding to the Conservation Advisory Council for review and recommendation.

four (4) Ayes Carried

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to approve the Use of Facility Application from Recreation Director Clesse for the Summer Concert Series for all Tuesday's in July and August from 6 p.m. to 10 p.m.

four (4) Ayes Carried

A motion was made by Councilman Murtha and seconded by Councilman Boardway to approve the Transfer of Appropriations for year 12/31/11 as follows:

GENERAL FUND:

FROM: Acct. Debit Credit

Appropriation A 960	151,480.83	
Buildings-Equipment A1620.2		17,233.20
Contingency A1990.4	61,540.00	
Demo of Unsafe Bldg A3650.4		16,184.14
Parks-Equipment A7110.2		7,291.90
Recreation-Per. Svc. A7310.1		16,120.00
Drainage-Contr. A8540.4		14,982.00
Health Insurance A9060.8		18,129.59
Total	151,480.83	151,480.83

TO: Acct. Debit Credit

Appropriation A 960	151,480.83	
Town Board-Contr. A1010.4	41.65	
Court Per. Svc. A1110.1		2,398.91
Court-Contractual A1110.4		6,290.65
Fiscal Agent A1380.4	838.24	
Buildings-Pers. Svc. A1620.1		1,389.94
Buildings-Contractual A1620.4		47,300.62
Judgement & Claims A1930.4		123.09
Supt. Hwy-Pers. Svc. A5010.1		5.60
Garage-Contr. A5132.4	4,948.96	
Programs for Aging-Contr A6772.4		936.40
Parks-Contr. A7110.4	8,214.97	
Play & Rec. Ctr-Per. Svc. A7140.1		3,585.85

Play & Rec. Ctr-Contr.	A7140.4	113.11
Youth Programs-Equip	A7310.2	2,950.00
Youth Program-Contr.	A7310.4	9,470.05
Historian Property-Contr.	A7520.4	1,300.00
Comm. Beautification	A8510.4	8.94
Conser.-Per. Svc.	A8710.1	111.50
Flood & Erosion	A8745.4	34,022.18
Other Home/Comm.	A8989.4	11,921.40
Motion Cont?d:		
State Retirement	A9010.8	382.80
Wker?s Comp.	A9040.8	1,750.96
Unemployment Insurance	A9050.8	13,375.01
Total	151,480.83	151,480.83

four (4) Ayes Carried

A motion was made by Councilman Murtha and seconded by Supervisor Ballowe to approve the Transfer of Appropriations for year 12/31/11 as follows:

#### HIGHWAY FUND

FROM:Acct.	Debit	Credit
Appropriation D960	133,063.26	
Machinery-Contr.	D5130.4	9,827.26
Snow Removal-Pers. Svc.	D5142.1	15,465.00
Serv. Other Govt-Pers. Svc	D5148.1	15,465.00

Snow Removal-Contr.D5142.4		46,153.00
Serv. Other Gov?t Contr.	D5148.4	46,153.00
Total	133,063.26	133,063.26

TO: Acct.	Debit	Credit
AppropriationsD960	133,063.26	
General Repairs-Fuel D5110.1		7,775.31
General Repairs-Contr.	D5110.400	53,027.96
General Repairs-Drainage	D5110.420	10,961.50
Capital Outlay D5112.2	10.29	
Machinery-EquipmentD5130.2		61,050.00
State Retirement	D9010.8	238.20
Total	133,063.26	133,063.26

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to appoint Anthony Zeniuk to the Planning Board as a Regular member, term to expire February 1, 2019.

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

three (3) Ayes one (1) Nay Carried

Supervisor Ballowe noted that things are moving well residents in the Cole Road Water 3, ext. 1 district. Drainage is an ongoing issue in the town. There are several small projects being worked on including purchasing new Christmas lighting.

Town Clerk Shenk noted that 2012 Town and County Tax Bills were mailed on Friday, February 10. The office will be open the following Saturdays: March 3rd and 10th from 9 a.m. to 1 p.m.

Town Clerk Shenk noted that at the last meeting he had reported about the new state law requiring the town to have the Town Board packets be available on line. Erie County changed their web policy which caused issues with the out port for our webmail. The packet was posted last night. The Planning Board secretary has been notified their packet needs to be posted also.

Town Clerk Shenk noted that our garbage and refuse hauler, Waste Management, will now be accepting our electronic waste. These items can be put to the curb and will be treated just like a bulk item and come back the next day.

Town Clerk Shenk noted there will be a HEAP outreach on the 21st from 9 a.m. ? 4 p.m.

Town Clerk Shenk noted that Erie County Surrogate Judge Barbara Howe and Newly elected councilman Francis McLaughlin from the Town of Eden are in attendance.

Highway Superintendent Telaak noted that there is fill and wood chips available.

Highway Superintendent Telaak noted that he needs to replace a sander on one of the plow trucks and that Valley Fab has a used stainless steel sander at the cost of \$6,000.

Councilman Boardway asked if Highway Superintendent Telaak thought it was a good solid piece of equipment.

Highway Superintendent Telaak noted that it is stainless steel and will not rot.

Councilman Boardway asked if there was anything else comparable at that price.

Highway Superintendent Telaak: No.

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to authorize Highway Superintendent Telaak to purchase a stainless steel sander at the cost of \$6,000 from Valley Fab.

four (4) Ayes Carried

Councilman Murtha noted that as Drainage Liaison is looking at several problems throughout town. The Liebler Road issue is connected to the state audit. NYS said we spent a lot of money on private property. I am getting some answers but these issues are complicated. He noted he is also looking into a drainage issue with the Woodrow property and issues with the flood on Boston State Road near the Boston Fire Hall. He noted that a letter was received from Pat Baskerville stating there would not be a trash rack installed.

There are issues with people throwing things in the ditches causing them to plug up.

Councilman Murtha met with the Historical Society and asked each member for their input on where they would like the society to be in five years and he has not received any input yet. He feels having this information will help him understand the historical society better.

Councilman Genzel as Engineering Liaison reported that the town has received a \$100,000 block grant for the Boston Cross Road Drainage relief project. A meeting with myself, Drainage Liaison Murtha, Town Engineer Hannon, Grant Writer Miner and Supervisor Ballowe is tentative for next Wednesday. We will receive the money on April 1, 2012.

Councilman Genzel reviewed and noted the field inspection reports from Town Engineer Hannon for the Cole Road, Water 3 ext. 1 project are available in the Supervisor's office.

Councilman Genzel as Planning Board Liaison reported that the Planning Board has approved the Emerling Chevrolet Site plan with a condition. A parking lot lighting issue has caused some concern. This issue has been referred to Code Enforcement Officer Ferguson for review of Town Code section 123-11A and 123-120B.

Councilman Genzel noted the next Planning Board meeting will be Tuesday, February 28th at 7:30 p.m. pending an agenda. The Planning Board is always looking for volunteers if interested submit your letter and resume to the town clerk's office.

Councilman Genzel as the Boston Community Foundation liaison, reported he and Supervisor Ballowe met with a fireworks vendor to discuss a 4th of July event at the town. This event is in the infant stages and would like all the community groups, such as the sporting groups, Historical Society, etc. to participate. We would also like to have a band under the Lion's Shelter. There will be a budget of \$5,000. The Supervisor and Myself have personally donated \$500 each toward this event. In the past the Town of Boston has given the Patchin Fire Company \$2,500 towards the Firework display during the BBQ Festival but it has outgrown this area and has moved to a larger location. The Town Board thought it would be nice to arrange an event for the community. Anyone wishing to donate to this event, please see the supervisor's office.

Councilman Genzel noted that he attended the senior meeting last Friday and enjoyed the presentation by Ray Lucas on importing fish and the magician show.

Councilman Genzel as Christmas Lighting Liaison is looking into new Christmas decorations. We have received approximately \$1,500 in donations last year from various businesses in town. We are looking into replacing up to ten Christmas decorations. He has found decorations for up to 50 percent off.

Councilman Genzel congratulated Town Clerk Shenk on his new endeavors.

Councilman Boardway noted that he and Councilman Murtha attended the public hearing held at ECC south on February 2nd regarding the NFTA's decision to end bus service to the Town of Boston. Councilman Boardway spoke at the hearing emphasizing the importance of the bus continuing in this area particularly, but in the Southtown's as a whole. He also had the opportunity to speak with some of the NFTA board members who have given us some assurances that they will hopefully solve this problem. It may turn into a rate hike situation but they are hoping to salvage route 74 into Boston. The goal was to show them they were not in this alone. That the Town of Boston has made a substantial investment with the 38 spot Park-N-Ride that we light, plow and maintain. They will be making decisions on this in the near future.

Councilman Boardway also met with Supervisor Ballowe and Town of Hamburg Supervisor Walters regarding the renegotiation of the dispatch contract with them for the Fire and EMS service in town. As you may know the price of our dispatching has gone up tremendously over the last ten years. Supervisor Walter's has assured us once he saw that we are paying about \$88 per call, and the Town of Orchard Park about \$18 that something needs to be done. He will get back to us with a proposal at which point will be discussed again.

Councilman Boardway noted that he met with Leonard Matarese, who is from the International County/City Municipal Association who is our contact person for heading up the Fire study. The logistics involved in putting together what needs to be done to have this study done is tremendous. We are at the point where we will be setting up meetings with the fire companies.

Councilman Boardway as the Service Award program Liaison received a report from Hanlon Investments to day. The starting balance as of January 1, 2012 was \$2,344,071.23. We have gained since January 1st \$36,984 in that portfolio. That number is not reflective of deductions. The current balance is \$2,530,686.94. The return is 1.52%.

Supervisor Ballowe noted that he has known Town Clerk Shenk for many years, not just since he began his job as supervisor. He noted that working with Town Clerk Shenk has been a pleasure. He congratulated Town Clerk Shenk in his new endeavor as Erie County Comptroller.

Town Clerk Shenk: I enjoyed working with you also, and think you have kept an open mind. When a new town official comes into office they have a preconceived notion of what is to happen. There are many stakeholders when decisions are made and often the people already here have to educate the new people on the stakeholders. You have learned tremendously to appreciate all the different stakeholders before decisions are made. I anticipate being appointed by the Erie County Legislature as the next Erie County Comptroller. Once appointed I will resign my position as Town Clerk after a number of administrative transition items are completed. I hope that the residents agree that my efforts and the efforts of my staff have truly been an asset to our town. I have had the privilege of working with 5 town supervisors, 4 highway superintendents, 5 town attorneys and approximately 23 councilmen all of which brought something of value to our town and I'm honored to have had the opportunity to serve with them. I thank all the political parties for their support over the years. I would also like to thank all my deputies, Ann O'Neil, Karen Ellis, Jennifer Mule', Elizabeth Martin and Mary Schwanz. A department head is only as good as the individuals he works with. I am saddened to end my tenure as Town Clerk and that my father is not here to share in my new role as the Next Erie County Comptroller. Upon my resignation the town board must fill the vacancy and I recommend Deputy Town Clerk Jennifer Mule' who has served for 10 years in the Clerk's office.

Received and filed monthly reports from the Supervisor, Town Clerk and Code Enforcement Officer and Statement of Debt from the NYS Comptroller's Office.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:08 p.m.

four (4) Ayes Carried

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JENNIFER A. MULE', DEPUTY TOWN CLERK