

Town Board Minutes January 18, 2012

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

Also Present: Highway Superintendent Telaak, Town Attorney Kobiolka.

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

A motion was made by Councilman Vara to accept the letter of resignation from Diana Rettig from the Conservation Advisory Council effective March 1, 2012.

Town Clerk Shenk noted that because the resignation specifies a date more than thirty days into the future, that letter is void and will have to be resubmitted to be valid.

Town Attorney Kobiolka concurred.

Due to lack of a second, the motion was not carried.

A motion was made by Councilman Boardway and seconded by to adopt the minutes of the December 21, 2011 and January 4, 2012 regular meetings.

Supervisor Ballowe Aye Councilman Boardway Aye

Councilman Genzel Nay Councilman Murtha Aye

Councilman Vara Aye

four (4) Ayes one (1) Nay Carried

A motion was made by Councilman Murtha and seconded by Councilman Boardway, upon review by the Town Board, that fund bills on the Abstract dated January 12, 2012 in the amount of \$172,710.92 be paid.

five (5) Ayes Carried

Herb Klein: The following town residents were involved with the set up and/or taking down of the nativity for this past Christmas season: Val Bezilla, Jim Carr, Larry Stewart, Vince Weiss, Fred Shearer, Don O'Bryant, and Jerry Hice. The Christmas trees used were taken from the Bickel's property on Zimmerman Road. When the Christ Child figure was removed a Christmas card was found underneath expressing thanks for the beautiful display. He also noted that the manger needs to be stained and the figures need to be washed and covered with a coat of lacquer and hopes the Town Board will consider having that taken care of. He noted that it will cost \$10,000 to replace the nativity set. Since we bought the figures back in 1965 some were replaced. We need a younger, retired person who can assist.

Most of the other volunteers are in their 70's and have been doing this for many years. It is too bad that we cannot form a citizen's committee in the community like we had a few years ago. All that money was raised voluntarily. Those decorations are worth \$50,000. There is no tax money.

At 7:40 p.m. a Public Hearing was held to hear comments regarding Proposed Local Law No. 1 of the year 2012 entitled Amendment of the Boston Town Code Chapter 16, Code of Ethics.

Supervisor Ballowe read the legal notice.

Bonnie Bates, Ethics Committee Chairman: Introduced the other members of the Ethics Committee. When we met two years ago it was primarily as we began talking about the changes in the New York State Legislation and the information that had come from the Association of Towns that talked about Codes of Ethics needing to be updated so they reflected the new provisions. The Town of Boston had not had a substantial revision since 1972. We compared codes from the Towns of Eden, Hamburg and Orchard Park to help modify our Code. It does now meet the standards set by the State of New York.

Councilman Boardway: Prior to two years ago, the town did not have a Board of Ethics. This is a volunteer board and serves as an advisory council to the Town Board. They were first charged with creating and revising this Code of Ethics because the boilerplate was relatively bland.

Councilman Boardway thanked all the members for their hard work on these revisions.

Supervisor Ballowe noted that the Town Board had no hand in appointing this board except for the Chairperson.

A motion was made by Supervisor Ballowe and seconded by Councilman Vara to close the public hearing at 7:45 p.m.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to adopt Local Law No. 1 of the Year 2012 (Proposed Local Law #1) Entitled Amendment of the Boston Town Code, Chapter 16, Code of Ethics.

five (5) Ayes Carried

Councilman Boardway noted that NYS law does provide that a town board member can be a member of that board. This is a decision that we consciously made to not have any Town Board members on it.

Kathy Prackajlo, President, Boston Historical Society noted that Town Historian Kaszubik will be giving a presentation entitled Genealogy in the Town of Boston to the seniors on Friday at 1:30 p.m. in the community room.

Glenn Kern: Apparently the town is looking into a rezoning of the acreage behind me for some town houses/patio homes.

Councilman Genzel as Planning Board Liaison noted that at this point it is with the Planning Board and was tabled. The Town Engineer Hannon has cited some things that need to be done before it can move forward. The developer has met with Town Engineer Hannon and Town Attorney Kobiolka and he is going to write a memo stating that they can move forward with a recommendation to the Town Board for the rezoning of just the Southern portion of the project.

Councilman Genzel noted that this project is in the preliminary stages right now. There has not been any engineering done and the developer is waiting to see which way the town is going to go.

Councilman Boardway noted that for the rezoning, once that application comes before the Town Board there will be a public hearing.

Glen Kern: I have about five acres on that corner and $\frac{3}{4}$ of that land is bordered by this perspective project. I moved in about five years ago and I chose Boston because I wanted some room around me. I found their original application when they wanted to fill it up with trailers and there was a box on the application that asked if the project would destroy anyone's scenic view. One of the reasons we chose this house was because of the gorgeous view of the valley. From a mechanical standpoint, you would be able to put in sewer and everything is going uphill. The patio homes will invite a large elderly crowd. Deanna Drive is steep and has a blind curve. If we have hundreds of elderly trying to navigate that turn, we are looking at a traffic light there or you will be seeing a lot of accidents. I will be looking at rows of townhouses and like 29 patio homes directly behind me.

Supervisor Ballowe: I believe they are single family on one side and patio on the other.

They are similar to the ones on Rollin Drive. Your concerns are important and should be brought in front of the Planning Board. We have to follow the steps and pass this on to the appropriate board for their review and recommendation to the Town Board.

Glen Kern: What are your pros for a light? What am I up against?

Supervisor Ballowe: When someone owns a large parcel and wants to build on it, the town gives their input

Town Attorney Kobiolka: This is not the town's project; the applicant has to come to the town for review.

Councilman Genzel: The Comprehensive Plan for the Town of Boston says that those areas are where development of this caliber will happen. They are looking for R-3 zoning, multi family. The developer believes there is a market for these units. It will be a private rental community where the developer will take care of the maintenance, and it could possibly be gated. We do have pictures of what the units will look at.

Councilman Genzel asked if Mr. Kern owned the barn that is being redone on the corner. I have done that for my neighbor's sake because they enjoy the view.

Glen Kern: I have gone through a lot of trouble and when it is done it is going to look like it did in 1990.

Councilman Genzel: Between your zoning and the zoning that is being proposed, there is buffering that needs to be done, so there could be berms and trees planted to create a view that is more pleasurable. It is not from a tax standpoint, it is progress. The developer wants single-family houses that will be privately owned, stick frame built on Deanna.

Glen Kern: 20 percent of the land is considered wet lands and there are quite a bit of snapping turtles cutting through there.

Councilman Genzel: There are certainly a lot of environmental issues that need to be addressed before any approval is made. I suggest that you just keep abreast of the project and attend the Planning Board meetings.

Supervisor Ballowe noted that this project was still in the infancy stages and is a long process.

Councilman Boardway: Your particular concerns are what they are and we need to hear down the road. It is during the process when all those alterations can be made.

Supervisor Ballowe: The Christmas Lighting was donated years ago and the past two years we have been soliciting Town of Boston businesses to donate to the Christmas Lighting fund. We have been fortunate that all the vendors that do business with the town have donated approximately \$2,000. That goes toward updating the lighting. We are in the process of updating the lights on Boston State Road. Parks Superintendent Telaak will take care of the Manger. We did want to have it pressure cleaned and re-stained last year, but unfortunately ran out of time. We will get to that this year. We collect money for that. We have found that we can purchase new lights about 66 percent cheaper after Christmas so we will take that money and purchase new lights.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to accept the resignation from Patricia Hacker from the Planning Board effective immediately.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Genzel to table the re-appointment request from Richard Skinner to the Planning Board.

Supervisor Ballowe Aye Councilman Boardway Aye

Councilman Genzel Aye Councilman Murtha Nay

Councilman Vara Nay

three (3) Ayes two (2) Nays Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Genzel to refer the request for appointment to the Planning Board from Cathy Maghran to the Planning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Genzel upon the recommendation of the Planning Board to accept the recommendation to elect David Stringfellow, Chairman, Robert Chelus, Vice Chairman, and Jennifer Lucachik as Secretary for 2012.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to appoint Sharon Bulger as a Substitute Assistant Nutrition Director PT, term to expire December 31, 2012.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Genzel to approve the Annual Audit for the Town Clerk, Tax Collector, Town Justice, Bookkeeper, Recreation Director and Dog Control.

five (5) Ayes Carried

A motion was made by Councilman Vara and was seconded by Supervisor Ballowe to accept the 2011 Annual Report for the Town Clerk, Tax Collector, and Town Justice.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to approve the notice of Liquor License Application for Escargot Corporation ? Buffalo Buck?s Smokehouse Restaurant, 8038 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilman Genzel to authorize Town Attorney Kobiolka to attend the Association of Towns Annual Training Conference, February 18th - February 22nd, and approve expense reimbursement for registration, plane fare, hotel single rate (four nights), transportation between airport & hotel and \$200 expense allowance.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to appoint Town Attorney Kobiolka as Delegate at the Association of Towns Annual Training Conference.

five (5) Ayes Carried

Supervisor Ballowe: Allowing employees to attend this training brings valuable information back to the town. I would like to send other Department heads, but others did not request travel expenses in their budgets.

A motion was made by Councilman Genzel and was seconded by Supervisor Ballowe to table the designation of the official town newspaper.

five (5) Ayes Carried

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

Supervisor Ballowe: After all expenditures were paid, improvements to the parks, raises to employees and drainage projects completed, the preliminary 2011 general fund fiscal report is favorable to the budgets actual spending with \$150,000 under budget. We will continue to monitor the expenses and keep the taxes in line along with seeking affordable ways to improve our surroundings. What this means is that we are about 10 percent under budget. This Town Board recognizes that we will probably have

another \$150,000 in bills that will come in through March that will need to be paid. The capital improvements benefited the lives of our citizens, drainage, recreation, everything that come along with it reflects the hard work of the Town Board and the department heads that came before us tonight that they constantly reflect and look at what their daily spending is and how they spend it. I am very pleased that I am seeing that and it reflects the 2012 budget the taxes drop by 2 ¼ percent. As we save money, we are able to pass it back onto the taxpayers. We are well aware of the 2 percent cap mandated by the state now on towns and school. We will proceed cautiously on how we do business within this town. The five people who represent you look out for your tax dollars and how it's spent.

Highway Superintendent Telaak noted that all the Christmas decorations have been taken down and thanked Ed Carey for allowing the town to store them in his barn. He also thanked Herb Klein for all his work with setting up the manger.

Highway Superintendent Telaak noted that with the snow and rain there was only one issue with an ice jam on Enser Road. He also noted that because of the maintenance of the trees on town right-of-ways, there were not any issues with downed trees during the recent windstorm.

Highway Superintendent Telaak noted that most of the town roads are in good shape, with very few potholes. The Highway Department is working on Rice Road, from Back Creek to West Tillen Roads. James Drive, Johns Terrace, and Liebler Road will be worked on this coming summer.

A motion was made by Councilman Genzel and seconded by Councilman Boardway to approve the 2012 Agreement to spend Town Highway Funds.

five (5) Ayes Carried

Councilman Murtha noted that a Drainage Liaison he is getting his feet very wet. He noted that he has met with four different residents that are having and will continue to have problems unless we can do something to help them.

Councilman Murtha also noted that the NFTA has decided to stop bus services to and from Boston. He has been at the Park and Ride with a petition trying to get signatures opposing this cut in service.

Councilman Genzel as Christmas Lighting Liaison noted that he has received several flyers from companies selling Christmas decorations. He thanked everyone who had a part in the set-up and takedown of the Christmas decorations. He noted that at the beginning of this Town Board's term they decided to use the Parks employees to put up and take down the decorations because of the liability for the volunteers.

Councilman Genzel noted that he will head up a committee to get maintenance done on the manger.

Councilman Genzel as Planning Board Liaison noted that the board interviewed and tabled the request for appointment from Anthony Zeniuk. The site plan review for the proposed Brookfield residential project was also tabled. The revised Emerling Chevrolet site plan was distributed to all members. Members are always needed.

Councilman Genzel as Engineering Liaison spoke with Jody Miller regarding a water main break on South Abbott Road. It was fixed but is now being investigated as to why it keeps breaking. We are trying to get that pipe changed. He noted he met with Town Engineer Hannon and the Cole Road water extension is fifty percent complete. Tap ins will take place this spring.

Councilman Genzel as Boston Community Foundation Liaison would like to get something together and work on maybe getting a community fireworks display for the 4th of July.

Councilman Boardway noted that he was contacted by a resident who has one of the NFTA petitions and assured him that she would bring it to the town hall in the next few days. A resolution was passed objecting to the cancelling of this bus route. He forwarded a copy of that on to the Executive Committee of the NFTA and to Assemblymen Smardz and Ryan. He noted he will be attending a public hearing on February 2nd at ECC South, building no. 5 at 6 p.m. He is looking for a delegation to attend that with him. This is an important issue for this area and if we let this happen, we will never get it back.

Councilman Boardway noted that he met with the Executive Committee of the Boston Youth Baseball League and discussed the viability of going forward with leadership. We will be exploring some options

to assist them in that endeavor. They have asked if the town can take over the baseball league. We do not have the staffing or the financial abilities to do that.

Councilman Boardway noted that he has completed the workplace violence policy and delivered it to Supervisor Ballowe who will pass it on to the PESH inspector. The \$150,000 surplus we had from last year is a real number. That is about where we expect this number to be.

Councilman Boardway congratulated the court office for \$202,000 of revenue. That is \$12,000 higher than last year.

Councilman Vara noted that he introduced himself to the senior groups. He noted they are planning a program coming up involving the Kentucky Derby. He noted he was a horse trainer so he will find a speaker to come in a talk to them about training horses.

Councilman Vara noted that the Conservation Advisory Council is looking for members. The annual fishing derby is scheduled for Saturday, May 12, 2012.

Councilman Vara noted that he will meet with a representative from Erie County regarding frozen meals and the Nutrition program.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:35 p.m.

five (5) Ayes Carried

DAVID J. SHENK, BOSTON TOWN CLERK