

Town Board Minutes July 18, 2012

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

Also Present: Town Attorney Kobiolka and Highway Superintendent Telaak.

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to approve the minutes of the June 20, 2012 regular meeting.

five (5) 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 July 13, 2012 in the amount of \$303,602.58 be paid.

five (5) Ayes Carried

Bob Pollinger, North Boston Fire Company: Voiced his dissatisfaction with the Town Board's previous decision to turn down Boston and North Boston Fire Company's service awards for 2011 because the 2011 audit for the 2010-service awards audit was incomplete. The rationale being that all three companies had issues and the volunteers were a band of brothers. As a representative of the North Boston Fire Company, he welcomed the audit and stated that at many of the meetings it gave the fire company the opportunity to look at their own operation of how they did business and the opportunity to make improvements. He stated that many hours were spent with an auditor going over policies and procedures. After the audit was complete, the Fire Company and Penflex agreed that some changes were necessary to both serve the integrity of the program with North Boston Fire Company. He finds it difficult to believe that the Town Board collectively can turn the audit, which he has said is a positive thing into a negative thing for the fire companies. He stated that North Boston Fire Company did everything that was asked of them and they feel like they should be moving ahead. He stated that they are a band of brothers. They train together so they can protect the town together, but they should not be involved in the other's audits. He hopes that those who voted against it will reconsider. They have done everything asked of them and feel they deserve their service awards for 2011.

Councilman Murtha noted that his previous vote was intended to keep the fire companies together as a band of brothers and still feels that way. He stated that as far as he knows the

services points will be retroactive once they are awarded. So it was his intent to keep the fire companies together.

A motion was made by Councilman Murtha and was seconded by Councilman Vara to approve Boston, North Boston and Patchin service award points.

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

two (2) Ayes three (3) Nays motion defeated

Supervisor Ballowe: The audit, as of today and according to Edward Holohan, of Penflex is missing three pieces of paper from Patchin Fire Company. He is going to email that to them and once he receives the requested information it should close the audit. This part of the audit has to be closed for the Town Board to approve their points. We cannot approve points for a Fire company whose audit is not closed.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to approve Boston and North Boston Fire Company's Service award points for 2011 on the recommendation of Edward Holohan.

five (5) Ayes Carried

Richard Hawkins: Do the papers that are still needed have anything to do with someone having 50 points or 100 points? Because once they reach the 50-point limit they are entitled to their pension. So if those pieces of paper have absolutely nothing to do with the 50-point status then there is really no reason for the Town Board to not award and approve those points.

Supervisor Ballowe: The papers needed are the sign in sheets that every firefighter signs in to say they were there.

Russ Metcalf: You cannot backdate it.

Supervisor Ballowe: We pay an auditor and follow what he tells us to do. When Ed gives us the Ok, then it is done.

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to appoint the Hamburg Sun as the Town of Boston's official Newspaper for the year 2012.

five (5) Ayes Carried

Town Clerk Mulé noted that the Town Board had to appoint a new paper because the Orchard Park has ceased publication.

Councilman Genzel noted that a \$100,000 grant was received for a storm drain relief project on Mill Street and Boston Cross Road. There has been many years of flooding in and around St. John the Baptist Church. This project has been designed by Town Engineer Hannon and stated that he has received the plans via email.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to schedule a bid opening for the Mill Street Storm Drain project for August 21, 2012 at 10 a.m.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to correct the previously approved salary of Camp Director, Sara Uhlman from \$12.50 per hour to \$13.00 per hour.

five (5) Ayes Carried

RESOLUTION 2012-09 LOCAL GOVERNMENT PERFORMANCE AND EFFICIENCY
PROGRAM (LGPEP)

Supervisor Ballowe noted that two and a half years ago we started looking into cost savings for the town. We share our town assessor with the Town of Cheektowaga. The reason we let them take lead agency is because they have a larger population and for grant purposes more money can be received. The Town of Cheektowaga covers about 70 percent of our Assessor's salary, retirement, health insurance, meetings, etc.

Received and filed notice of Liquor License Application for Boston Deli, Inc.

A motion was made by Councilman Murtha and was seconded by Councilman Vara to approve the Application for Use of Facility from the North Boston Scrappers for October 6th, 2012 at 10 a.m.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe upon the recommendation of Code Enforcement Officer Ferguson to approve the license for Boston Hills Homes and Estates Mobile Home Park, contingent upon receiving payment and license. The license will be effective July 1, 2012 through June 30, 2013.

five (5) Ayes Carried

A motion was made by Councilman Murtha and was seconded by Councilman Vara to refer the request for appointment from Beverly Kent to the Zoning Board of Appeals for review and recommendation.

five (5) Ayes Carried

The following bids for the Town Hall Roof replacement were received:

Pat White Construction \$35,400 Sahlem's Roofing \$39,824

A motion was made by Supervisor Ballowe and was seconded by Councilman Genzel to accept the bid from Pat White Construction at a bid price of \$35,400.

five (5) Ayes Carried

Councilman Murtha noted that Sahlem's Roofing is offering custom fabricated copper diverters.

Supervisor Ballowe noted that those are already on the roof and new ones are not needed. Sahlem's also added in to replace any deteriorating roof deck with plywood with an additional fee of \$50 per sheet, which would be added to the quoted \$39,824.

Steve Bohan, (speaker not at microphone) representing the Boston Youth Soccer League inquired as to whether or not the league will receive support from the town this year.

Supervisor Ballowe state that it is already in the budget to receive \$1,000.

Steve Bohan: Our current nets and poles are not in terrible condition, some are a little bent, and some could use painting.

Supervisor Ballowe noted that the poles on the nets are grinded and painted before they are put out.

Steve Bohan: We had a concern about (inaudible)

Councilman Genzel noted that with the grant money received for the Parks the town is going to purchase two new nets and in discussion with John Gruchala are thinking that the prep fields is where one of the sets will be placed.

Steve Bohan: So that is different from the nets that are going to go down to North Boston Park?

Supervisor Ballowe: We are not even sure if you will be able to use the lower field this year because of the bank erosion.

Steve Bohan: When you are looking to purchase the nets, I think Bonnie said (inaudible)

Supervisor Ballowe: We get books and if you have any information that you want us to look at when looking for nets please send it to me.

Steven Bohan: Are the two nets you have for the fields we have now or are they for the fields that are being built?

Councilman Genzel: They are probably going to the North Boston Park. I emailed all that information to John Gruchala and asked him to come in and look through the book and tell us what would be the best items to purchase.

David Bernas, expressed his displeasure with Dog Control Officer, Joseph Weber, whom he had a confrontation with outside of his residence. He felt the Dog Control Officer Weber was unprofessional and was concerned that he may be acting this way with other residence and asked that the Town Board look into the matter.

Supervisor Ballowe noted that he would take care of the matter.

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

Town Clerk Mulé stated that Erie County Clerk Christopher Jacobs contacted her office regarding the "Just Mail it, Just Drop it" Campaign. This campaign utilizes a signature green envelope which helps to keep 12.7% of vehicle registration renewal fees in Erie County rather than sending 100% to Albany. This envelope will be postage paid and will be available in the Town Clerk's office within the next few weeks.

Highway Superintendent Telaak: Since the last meeting the Highway Department has been working on tar and stoning some of the roads. We started on the North end of town. We did

Meadow, Hickory, Woodland, Thornwood, Park, Willow, Wildwood, Ludon, May, Fairlane, Sherwood and all of Creekside Court. Next week we will begin Homestead, Old Orchard, Cloverfield Roads, all of the Holiday Subdivision, Redwing, Rollin, and Pin Oak Drives. We have also crack-filled Hickory Subdivision and Boston Cross Roads. The Highway Department has been helping the Parks Department quite a bit. We top soiled and hydro seeded behind the Recreation Center. The walking path is approximately 80 percent complete. We have to leave the section where Erie County Soil and Water is going to do their bank stabilization project. We are not quite sure where they are going to go with the creek. They are going to be going across the path with heavy equipment and so we will dig it out and stone it afterwards and hopefully be done by September or October. The Past couple days we have been behind the Lion's Shelter installing the Volleyball court. It is all dug out and stone put on the bottom. We still have to finish around the edges, put in the poles for the nets and then it will be done. Tomorrow the horseshoe pits should be all dug and framed up.

There is still some drainage work to do at North Boston Park and because there is not an actual parking lot, we need to install a paved one. I volunteered one of my personal bulldozers free of charge to doze the area that will be paved, but I do not have a way to get it there. Town Attorney Kobiolka will look into whether or not having the town transport my dozer is legal.

Councilman Murtha: I had forgotten at the last Town Board meeting to mention my ongoing protest against the placement of the public comments section requests from the floor that I think should be before any business is discussed.

Councilman Murtha: A historical marker has been installed at the West Boston Cemetery and we are going to be taking some pictures of that tomorrow. On July 4th and at the BBQ Festival, the host of the Historical Society showed up with some volunteers to make their presence known and handed out some flyers.

Councilman Murtha noted that \$5,000 was donated anonymously to help with the roof repairs at the Historical Society.

Councilman Murtha reminded residents about Governor Cuomo's burning ban. Things are getting very dangerous. This ban is in effect through October 10th. The Governor wants people to refrain from starting any type of outdoor fire and in the case where a fire must be started to take extreme caution. Be watchful and keep a close eye when grilling outdoors. For those who smoke, make sure cigarettes are completely extinguished and when camping use an existing campfire ring. Never leave a campfire unattended, drown fire with water, and make sure all embers, coals and sticks are wet and use a cooking stove instead of a campfire to prepare meals.

Councilman Murtha stated he is working on getting estimates to get the trees marked that could cause sliding from Zimmerman Road to Old Orchard Road. Also he will be meeting with three

vendors Monday or Tuesday morning to walk the creek and come up with some bids for them, if that is the process. Is that the process?

Supervisor Ballowe: Yes, how many are on the list that you received?

Councilman Murtha: About seven and two companies are not even business anymore.

Supervisor Ballowe: Three or more bids would be good.

Councilman Murtha: I have four.

Supervisor Ballowe: Sometimes they do not show up, I would call five.

Councilman Murtha: I am running into problems where people are refusing to put in bids. So it is ok if I do three or four.

Supervisor Ballowe: Yes, as long as you have a minimum of three.

Councilman Murtha: And there a flood problem behind George's. There's some houses down river from George's that get flooded every spring, some are severe and I'm meeting with an adjuster from National Grid on the 24th because a lot of the problems are originating on the right-of-way and he is going to be meeting me on sight to discuss some possible solutions to that problem.

Supervisor Ballowe: How are you making out on the project up on Liebler?

Councilman Murtha: (inaudible) auditor for an adjustment and I am also working with Town Attorney Kobiolka trying to get some research done.

Councilman Genzel: As your Engineering Liaison I have been in correspondence with Town Engineer Hannon. The Mill Street drainage project, the engineering plans are available for viewing. We will be doing the bid opening August 21. The Highway Department has graciously donated their time to do some trucking and to buy the pipe on state bid. We are looking for

every way possible to do value engineering on this project which we hope will begin around September or October. The contractor will be made aware of our need for the Boston Fire Company to get out in emergencies and that would be of the utmost importance.

Councilman Genzel: The water project on Cole Road is pretty much done; we had to extend the contract to get eighty percent of the grass growing, which is difficult this time of year with the heat. Some people have been watering, some people have not. I have just received numerous very happy people up there, that they have their public water, so that was a good project.

Councilman Genzel : The ZBA meeting is August 2nd at 7:00 pm, work session. Planning Board meeting for July 10 was cancelled due to no agenda; the next meeting will be August 14th at 7:30 PM. We are always looking for quality members for any of our boards. Please submit a letter of interest to the town clerk and we will forward it to the appropriate board for recommendation.

Councilman Genzel: Boston Community Foundation, we had July 4th festivity here at the town park. The town band played and did an exceptional job, then the fireworks to follow. There were many, many families from the community here. I thought it was a great success. I think we are going to do it next year and I just wanted to go through and thank each individual sponsor for donating for that event. The gold sponsors of \$500, Martin Ballowe and family, myself, my wife and family, Jay, his wife and family, Michael Kobiolka and family, Sky Lighters of New York, who actually put on the display, Emerling Chevrolet and Fairway Contracting. The Silver Sponsors of \$200-\$400; Boston Republican Committee \$250, Dana Darling Contracting-\$300, Total Facility Care \$200, Attorneys Hodgson & Russ \$300.

Councilman Genzel: Our Bronze sponsors- \$100, Great American Tool Company, Town Clerk, Jennifer Mulé, Raymond and Beverly Kent, Hamburg Overhead Door, B & W Concrete, Pat White Construction, Boston and North Boston Fire Companies donated \$100. Our next group of sponsors of \$25-\$50; Tri County Mechanical Services \$50, County Line Stone \$50, Joyce and James Carr \$25, Councilman Murtha \$25 and Councilman Vara \$10. I want to thank those people, it is really appreciated, and I think the community was happy out there that night.

Councilman Genzel: As Christmas Lighting Liaison, The Christmas lights we ordered were a buy one-get one deal, and will be in next week. So you will see those during the Christmas season. I attended and supported the Patchin Fire Companies BBQ Fest and North Boston's Gala, I did not win anything. Discussed the soccer fields and turned in my report to the Supervisor. I mapped the area to fit in a soccer field so that we would not inhibit the Jeffrey Finger Memorial Baseball Field there, that is memorial field and we would like to fit in probably our prep field in the outfield of that area there. So I have a sketch to give you Steve to see what you think. I attended the first day of Recreation; both of my children are enrolled, they had an amazing time. Bonnie has done an incredible job with this program. All of the counselors are excellent. I feel my kids are in a safe spot and I put them in there this year.

Councilman Genzel: I checked the walking path. Our Highway Department has done an excellent job with in-kind services by again, going above and beyond putting in the walking path that will be a quarter of a mile all the way around. People will be able to walk this path. Four times around is a mile. Keep you off the streets so, it is an excellent project.

Councilman Genzel: I also have gun raffle tickets. I am a member of the Boston Valley Conservation and I have tickets if anyone would like one after the meeting.

Councilman Boardway: Summer Recreation opened up last Monday; I was down there Saturday, Sunday, and Monday. The camp is full. We are completely staffed. We are completely full of children. We are at the capacity we feel we can safely be attentive to the kids with the right number of staff to keep it under budget. Everything is going fine. There have been no problems so far. The Health Department has been out there and checked the parks twice with surprise inspections and are very pleased with what we have going on. I had actually donated a basketball hoop. I got a discount from Dick's Sporting Goods. They do not necessarily donate to Municipalities. I covered the cost of that. We put down on the new blacktop right behind the field a portable basketball hoop. We are looking for two of them. I found out today that the Trooper Brinkerhoff foundation actually dropped off a check for \$500 to Summer Recreation to cover the cost of the second basketball hoop. We are going to go out and buy along with all the safety pads that go around it and everything else. I just hope I do not have to put that one together too, the first one took me four hours. One of the things Summer Recreation is really focusing on this year with working with the children, we have children camp serve kind of program. It is more of a theme thing going on that Bonnie is really stressing and Sarah Uhlman, our new camp director is fabulous.

Councilman Boardway Cont'd: She is doing a fantastic job and brings a lot to the program. We have the children hand drawing cards to go to sick children at Roswell. They will be making favors for the seniors for the lunch program. This is teaching them that it is good to help others and they are taking to it very well.

Councilman Boardway: There has been good attendance at the Tuesday Night Concerts. Nick Charlaps has donated a \$25 gift card from J.P. Fitzgerald's for every Tuesday the concert is held. We give everyone a ticket that comes and at the end of the night it is drawn for the gift card. A 50/50 is also conducted to benefit the Summer Recreation Program. These funds are used for supplies and niceties for the children. The Summer concerts are completely free and covered by the sponsors.

Councilman Boardway: The fire report for the month of June reported the following Fire/EMS calls:

Boston Fire Co. -5 North Boston Fire Co. -5 Patchin Fire Co. ? 7

Councilman Boardway: Supervisor Ballowe, Town Attorney Kobiolka, and I had the opportunity to meet with Mark Flaherty, who does our financial workings for the Service Award program. Since we moved over to the managed fund, it has consistently increased in value. The amount went up about \$16,580, but at this point we are asking him for some advice as far as the sustainability of the plan. This is again, just the fire companies, this is not the Ambulance Squad. He is in the process of putting together a list of recommendations for us as far as how we need to manage this plan in the future to keep it viable. We are hoping it will come within the next few weeks. We are getting to the point where we need to seriously address the viability of this plan going forward. The plan changed tremendously from 18 years ago when it was put into place because of some legal action that took place down state. It had nothing to do with us, but it considerably increased the cost of making this plan continuously viable. There were some meetings coming up regarding this. We had meetings last year when we changed to the managed fund plan. That was a very beneficial meeting and it helped having the firemen's input.

Councilman Vara: I continue to work on the project that Marty gave me on trying to get the tennis and basketball courts resurfaced. Another bid came in from Nagle Athletic Surfaces for \$58,000. The first one was \$95,000. The bids are quite high and we are still looking into some way to do it at a less of a cost to the town, possibly USTA grants if we qualify.

Councilman Vara: I have a meeting scheduled with Waste Management on the Think Green in August. I have been working with Jeff Szudzik of the Conservation Advisory Council trying to come up with this plaque for the Town and the Scenic By-Way. We have Sherri Pluta taking pictures for us so we can put them on the plaque and the Town Historian Keith Kaszubik is doing some writing for us. Hopefully by next meeting we have this plaque completed.

Councilman Vara: I also attended the Patchin BBQ and the North Boston picnic. The fireworks display was great. I watched it from my back yard so I did not have to go up to the town hall to see them. I had a party in my back yard and it was well attended. I have been working on other projects and doing a lot of research on the hydraulic fracking and hopefully we can come up with some kind of situation to protect the Town of Boston.

Supervisor Ballowe: Again, I would like to thank all the people who donated money to the fireworks display and the fire companies for showing up. It was important for the Emergency Squads to bring down their vehicles and display them. It is a good thing what the 4th of July is about in our town. It is free, bring your coolers, and enjoy the band at no cost to the taxpayers. The Patchin Fire Company provided the town with stand by service for the Fireworks. Again, I am sorry for the short notice; I tried to get everything together, but was really focused on getting it paid for. I think everyone had a fun time. There had to be at least 600 people there. People with coolers, kids with glow sticks, it was awesome. We did no advertising. We will not next year, we will just have it. It is supposed to be for the town residents. Anyone can show up. We are not trying to peddle or push anything. Come, bring a cooler, enjoy. That is what the 4th of July is about. It was a great effort.

Supervisor Ballowe thanked Highway Superintendent Telaak for putting the plaque at the cemetery on Feddick.

Supervisor Ballowe: I have been working on some projects and we resealed the driveway at the Trooper's Barrack. We striped the parking lot. I also worked on the football press box which was collapsing. The project is finished. It now has a locking door and it will not collapse. It should be good for another year or two until we move forward and hopefully get some cement fixtures back there that I think were donated. I also attended the 1st day of Recreation. We had the Emergency services down there. They brought all the hoses, they hooked up and the kids had a ball. It could not have been a better day it was so hot out there. They squirted the kids for a good hour or more and it helped with watering the fields.

Supervisor Ballowe: I attended the concert series. It was nice. We went after vendors again. Third year in a row there is no cost to the town. No taxpayer monies are used for that. We were able to get all the sponsors for the bands. It is just a nice atmosphere. We will have that painted within a few weeks. There is new lighting going in there too. Next year we will go after the brickwork on it. We have to spread around the projects. We are trying to do a bunch of different projects at once. We are trying to spread the money to different projects that need to be updated.

Supervisor Ballowe: Last week, we refinanced our last remaining BANS to Long-term financing with Evans Bank. We locked in favorable rates of 1.9% for 10 years for Water Districts #2 and Water #2 Extensions. Taxpayers in these districts will realize annual saving of nearly \$5,000 and approximately \$50,000 over the term of the loan. In addition, we also secured long term financing for the Cole Road Water District for 20 years at 2.8%.

Supervisor Ballowe Cont'd: At this time, all of the town's debt is secured through long-term financing, taking advantage of the favorable market. This will also eliminate annual legal and financial costs incurred with short-term financing. We have the Buy America Bonds on the Water 3, ext. 1, which is saving the taxpayers close to 1 million dollars. The Trooper's Barracks is locked in at 22 years. We are making money off of it now because of rates, but over the 22 years, we will probably make close to a half a million dollars in profit for the town. We have no more short-term loans. We are locked in at low rates.

Supervisor Ballowe: I thank everyone for working hard on his or her projects. I know its summer recess. For us we only meet once a month, but we try to keep in contact with each other to keep these projects going. We have a short season for it. We have a lot of projects on the table. We need to get them buttoned up before everyone goes back to their normal jobs. The walking path is in, unfortunately we cut some cable that we were not aware was there but it has since been fixed. It is a huge help and a big cost savings for the town when we can rely on the Highway Department to help with the Parks projects.

Supervisor Ballowe: I also had the chance to meet with Donald O'Bryant and hope the grant writer is working well for you guys and it is getting you what you need. I was able to ask Grant Writer Connie Miner to write some grants for them.

A motion was made by Supervisor Ballowe and seconded by Councilman Vara to adjourn the meeting at 8:43 p.m.

five (5) Ayes Carried

JENNIFER A. MULÉ, TOWN CLERK