

Town Board Minutes June 1, 2011

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

Also Present: Town Attorney Kobiolka and Highway Superintendent Telaak.

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

The following quotes were received for various concrete work in the Town Parks and Recreation Center:

B & W Concrete \$8,280 Creative Concrete \$8,995

Bison General Contracting \$8,840

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to award the concrete work to B & W Concrete at a cost of \$8,280.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Wieckowski to appoint Dennis Mead as a Regular Member of the Zoning Board of Appeals term to expire April 1, 2013. He was also appointed to the position of Chairman.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to adopt the minutes of the May 18, 2011 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Wieckowski and seconded by Councilman Genzel, upon review by the Town Board, that fund bills on the Abstract dated May 26, 2011 in the amount of \$76,547.23 be paid.

five (5) Ayes Carried

Received and filed Resolution from the Town of Orchard Park regarding review and revisions to the Orchard Park Town Code of Ordinances.

Received and filed letter from JoAnn Santonocito regarding lack of inspection of Erie County Sewer Line replacement.

Supervisor Ballowe noted that these inspections are conducted through Erie County and not the Town of Boston. Erie County has an inspector on site all the time. He noted that the Town of Boston does inspect the roads.

Received and filed notice of a Public Hearing with the Town of Hamburg.

Keith Kaszubik, Town of Boston Historian: While I was at Horton Hill Cemetery on South Feddick and Zimmerman Roads, the Highway Department arrived to clean up the Cemetery in time for Memorial Day. I want to personally thank Highway Superintendent Telaak and his employees for the outstanding cleanup they did. It looks very pristine.

Highway Superintendent Telaak noted that it was actually the Parks Department workers.

Jennifer Praczkajlo asked, as a voter, why was Mr. Mead appointed as Chairman of the Zoning Board of Appeals?

Supervisor Ballowe: His qualifications for the job include, being on the Planning Board and a Town Councilman. He has run a family business for many years and now runs another company and is in charge of between 80 to 100 employees. His background and knowledge of business, facilities, and buildings that his family has owned over the years is impeccable. Not that your mother does not bring some of that to the table, but collectively, the Town Board felt his qualifications were really good.

Jennifer Praczkajlo: What are his experiences with the Zoning Board of Appeals? He has not been on that board so he does not know how it is run, all the codes, etc.

Supervisor Ballowe stated Dennis was previously a town councilman.

Jennifer Praczkajlo: That is not the Zoning Board of Appeals though.

Supervisor Ballowe: I understand that, but he deals with and understands the Town of Boston Codes. It has to do with the knowledge that he is bringing with him.

Barbara Moore: Supervisor Ballowe, at a previous meeting, Councilman Boardway discussed the fact that you were not invited to and subsequently did not attend the Installation dinner at Patchin Fire Company. I was curious as to whether or not you were invited to or attended North Boston and Boston's Installation dinner?

Supervisor Ballowe: Boston has their dinner in September or October.

Barbara Moore: Did you go last year?

Supervisor Ballowe: I was not invited to Boston's last year, but was invited to North Boston's. This year I was not invited to North Boston's, but I was invited to the Emergency Squad's Installation dinner.

Jim Carr: I want to thank Highway Superintendent Telaak and his crew for their help with the flooding on May 15. He and his crew cleaned the debris out of the culvert, which the county was not able to do because apparently it was too dark and considered too dangerous. I asked them what the danger was and they said they might hit the gas line. I tried to explain to them the gas line was below ground, not floating in the water. I told them it was up to them to maintain the culverts because it is in their right-of-way then asked about increasing the size of the pipe or putting in a new one. The County does not seem to be able to do anything. I had close to \$10,000 in loss and the business next to me had a large loss. What burns me up even more is that I have to pay tax on the items I replace. They did not cause the damage, but maintaining that culvert is.

Supervisor Ballowe: Highway Superintendent Telaak will now keep close watch on that area during rainstorms.

Ron Yormick: I am here for the Deanna Drive Rezoning and Mobile Home project. Correct me if I'm wrong Councilman Genzel, but I was at the last meeting and the developer would like to separate this project and continue with rezoning for the Mobile Home Park before any site plan or any drainage plans are completed. He wants to get the feel of whether or not he can get this property rezoned before he dumps a lot of money into it. So he would like to go for a rezoning before his project is completed and continue with the Mobile Home Park rather than the single-family homes. Since the Town Board is Lead Agent, I think it would be in the best interest to go with the single-family homes rather than the mobile home park. I have been through this three times already and not one person in this town wants another mobile home park. I would like to know what is going on. I go to all the meetings and it is being bounced around. What is the next step?

Councilman Genzel: The developer is looking for a decision from the Town of Boston for the rezoning before he dumps \$100,000 in Engineering. The Single family to the North is already zoned R-2. Separation wise, he wants a decision from the Town Board as to whether or not we are going to allow the rezoning.

Ron Yormick: Isn't it a town code that money has to be put into a project to prove what is to be done before the rezoning.

Councilman Genzel: The town code is extremely vague on what comes first, the rezoning or the complete engineering plans on a project. It is a huge amount of cost to the developer ahead of time. He has been down that road with the Omphalius Road project.

Ron Yormick: Mr. Falkides had to dump a bunch of money into his project and he had to prove what he wanted to do with this land before it was even brought before the Town Board and the residents. I think the same should be for this developer. I do not think the code is that vague? You have to do your homework before you go for rezoning and we have not seen anything from this guy. He wants to concentrate on the mobile home park and forget about the Deana Drive property. Is it going to be 20 years before Deanna Drive is complete? The Town Board, as Lead Agency, should concentrate on the single-family homes, which would be a bigger sell than the Mobile Home Park.

Councilman Boardway: We met with the developer this evening and your exact concerns were expressed to him and you are accurate on what his request of us was. We told him we were not ready to make that decision yet, that we need to look at the plans some more and have Town Attorney Kobiolka determine what can and cannot be done. We explained to him that even if we were to consider moving the zoning portion of that project forward, that simply starts the process of scheduling and having the public hearing. He is well aware of what we are doing.

Ron Yormick: And he realizes he has to do exactly what you are saying?

Supervisor Ballowe: Yes, he does.

A motion was made by Councilwoman Maghran and seconded by Councilman Boardway to issue a Live Entertainment License for Couzin's, 7115 Boston State Road to expire June 30, 2013.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilman Genzel to approve the Use of Facility Application for the Boston Youth Soccer League.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilman Boardway to approve the Use of Facility Application for Gauches Unite for August 27, 2011.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilman Wieckowski to approve the Use of Facility Application for the Boston Lions Club for August 5 and 6, 2011.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilman Boardway to approve the Use of Facility Application for Boston Conservation Advisory Council for July 16, 2011.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Supervisor Ballowe to set the summer schedule for the Planning Board as follows:

July 12 Tuesday 7:30 PM

August 9 Tuesday 7:30 PM

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Wieckowski to appoint Aimee Beyette as a Tennis Instructor at \$10 per hour, and Taylor Janak as a Site Supervisor at \$10.50 per hour, terms to expire August 24, 2011.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Wieckowski to appoint Adam Reichert and Amanda Jensen as part time employees with the Parks Department at \$9 per hour.

five (5) Ayes Carried

The following bids were received for one 2011 Mini Cargo Van:

Basil Ford, Inc.	\$19,282.00
------------------	-------------

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to award the bid for (1) One 2011 Mini Cargo Van to Basil Ford, Inc. at a cost of \$19,282.

five (5) Ayes Carried

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

Highway Superintendent Telaak noted that because of drainage problems on Burr Road the Highway Department replaced an 18-inch pipe with a 24-Inch pipe and fixed all the shoulders and ditches. The problem came from the corner of Lower East Hill and Burr Roads.

Highway Superintendent Telaak Cont?d: Lower East Hill Road is a county road and the ditches were not cleaned out, so the water overflowed onto Burr Road. He also noted that they have been out cleaning several ditches in town, and mowing the right-of-ways.

Highway Superintendent Telaak noted there are wood chips, fill, and grass clippings available.

Highway Superintendent Telaak noted that he had Electrician Dave Dix check all the wiring for the scoreboard in the parks. It was ruled out that the scoreboard needs major repair or needs to be replaced.

Highway Superintendent Telaak noted that with the appointment of the new Parks employees, they are both scheduled to start the week of June 6, but they will alternate days. They will not be working at the same time.

Councilman Genzel as Drainage Liaison noted that he worked with Town Engineer Hannon on Boston Cross Road and reminded all residents to try and be an advocate of drainage areas in and around their property. Please try not to blow grass in the roads as it contributes to flooding situations for some of your neighbors.

Councilman Genzel as Planning Board Liaison noted that the Planning Board approved the Dollar General Site Plan at their last meeting. They will come back with some renderings for what the outside of the building will look like. Planning Board volunteers are also needed.

Councilman Boardway and Councilwoman Maghran agreed that the Memorial Day Celebration was fantastic and thanked all those who participated and attended.

Councilman Boardway responded to a question Barbara Moore asked earlier in the meeting regarding Supervisor Ballowe attending fire company installation dinners. He noted that the reason comments were made was because questions were posed about Supervisor Ballowe and himself as to why they were not at Patchin Fire Companies Installation dinner. We had hoped that by the time Patchin Fire Companies installation dinner came around this year, that bygones would have been bygones.

Councilman Boardway also noted that a letter had circulated around town earlier this week that had specifically to do with the fundraising efforts that Patchin undertakes for their BBQ Fest. We do not know who received this letter. He noted that by Saturday, all of the Town Board members had received a copy of that correspondence. This town board condemns that correspondence. It was anonymous and an anonymous correspondence is worthless. The Town Board wants to condemn the author of that correspondence for sending that particular document to whoever received it. This Town Board fully supports the right of any of our non-profits in this town to raise funds. We not only encourage them, we expect them to do that. Whoever sent out this letter, we ask them to please stop. We certainly do not want that kind of stuff going on in this town. We

are in a position of trying to amend these relationships with the fire companies after the contract issues.

Councilwoman Maghran noted that the Parks Department worked very hard preparing North Boston Park for an upcoming baseball tournament.

Councilwoman Maghran asked if it were possible to request that Erie County Highway come out in March and start cleaning ditches within town.

Supervisor Ballowe noted that he speaks with representative once a week about cleaning ditches.

Councilwoman Maghran noted that additional programs are being offered through the summer recreation program, a 2-week math camp, reading enrichment program, 5 weeks of tae kwon do, tennis, and fun with Spanish lessons, Red Cross Baby Sitting course, and the regular swim lessons. There will also be soccer, lacrosse and golf instruction offered at no additional charge.

Councilwoman Maghran noted that the drywall is almost complete at the Recreation Center. Carpeting is scheduled for delivery for June 14.

Councilwoman Maghran asked Highway Superintendent Telaak if Baseball was told about the determination of the faulty scoreboard.

Highway Superintendent Telaak noted that he just received that information today.

Councilwoman Maghran reminded residents of the Trooper Brinkerhoff run taking place on Saturday, the 18th.

A motion was made by Supervisor Ballowe and seconded by Councilwoman Maghran to adjourn the meeting at 8:13 p.m.

five (5) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK