

## Town Board Minutes June 20, 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.

Town Clerk Mulé commented that with the resignation of the webmaster and issues with the Town of Boston website, and the fact that she and Deputy Clerk Martin are not properly trained to maintain it, found it necessary to bring in another person to help with this task. Yvonne DeCarolis, the Town of Boston's very first webmaster has agreed to come back temporarily and help us fix the issues with the website and train the staff and at some point in the near future, the webmaster position will be eliminated, which will save money for the town.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to appoint Yvonne DeCarolis as Webmaster, PT at a rate of \$13.50 per hour, term to expire December 31, 2012.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to appoint Sarah Uhlman, Camp Director at a rate of \$12.50 per hour, term to commence immediately and expire on August 24, 2012.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to approve the minutes of the June 6, 2012 regular meeting.

five (5) Ayes 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 June 14, 2012 in the amount of \$294,480.92 be paid.

five (5) Ayes Carried

A motion was made by Councilman Murtha and was seconded by Supervisor Ballowe to table Resolution 2012-08, A Resolution against Hydraulic Fracturing, until further research can be done regarding the chemicals used and it be more tailor made to the Town of Boston's needs.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe as Councilman Genzel and was seconded by Councilman Boardway on the recommendation of Code Enforcement Officer Ferguson to approve the Second Accessory Building request from Michael and Sandra Grimmer.

five (5) Ayes Carried

A motion was made by Councilman Vara and seconded by Supervisor Ballowe to approve the Use of Facility Application for Churchill Memorial United Methodist Church for July 22, 2012.

five (5) Ayes Carried

Supervisor Ballowe requested authorization to enter into agreement with the Town of Hamburg for dispatch services. He noted that with this contract brings a savings to the Town of Boston of approximately \$100,000.

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to authorize Supervisor Ballowe to sign the Hamburg Dispatch agreement with the Town of Hamburg.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Boardway with the recommendation of the Planning Board to set the Planning Board summer schedule for Tuesday July 10, 2012 and August 14, 2012 at 7:30 p.m.

five (5) Ayes Carried

The following bids were received for the Town of Boston's Telephone Service Contract:

MetTel - \$435.56 Mo. Verizon- \$512.42 Mo. Earth Link- \$729.15 Mo.

A motion was made by Councilman Genzel and was seconded by Councilman Murtha to authorize Supervisor Ballowe to sign the contract with MetTel as the Town of Boston's Telephone Service Provider.

five (5) Ayes Carried

Councilman Genzel noted that there is over a 31% monthly cost savings compared to the last contract.

A motion was made by Councilman Genzel and was seconded by Councilman Boardway upon the recommendation of Town Engineer Hannon that the Town Board as lead agency, has determined that after taking a long, hard look into the action as defined by the applicant/sponsor's proposal on lands of Boston Valley Holding Company, [part of SBL

Motion Cont'd: No. 226.02-4-51] located on the west side of Boston State Road, south of Deanna Drive to rezone 21.63 acres from R-A (Residential-Agricultural District) to R-3 (Two or

more Family Residence District), and has further determined that after taking a long, hard look into the proposed extension of the subdivision on Deanna Drive [SBL No. 226.02-4-1.1], find that the environmental Declaration and that no further action is required per 6 NYCRR part 617.

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

three (3) Ayes (2) two Nay      Carried

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to adopt Local Law No. 5 of the year 2012 (Proposed Local Law #2-2012 Entitled A Local Law to Rezone approximately 21.63 acres +/- of Land [part of SBL No. 226.02-4-51] located on the west side of Boston State Road, south of Deanna Drive to rezone 21.63 acres from R-A (Residential-Agricultural District) to R-3 (Two or more Family Residence District) subject to the following Conditions:

1.      A Declaration of Restrictions shall be recorded at the Erie County Clerk's Office for the purpose of ensuring the permanent preservation of open space (Conservation Area) as depicted on the plans submitted to the Town of Boston by the Applicant and a copy of the recorded Declaration of Restrictions and a recording receipt shall be provided to the Town Attorney and the Town Clerk's Office once the Declaration of Restrictions has been recorded at the Erie County Clerk's Office.
  
2.      During the Site Plan Approval review of the future development of the 21.63 acres rezoned from R-A to R-3, the Applicant will evaluate the possibility of installing a recreational trail in the Conservation Area for the benefit of the future residents of the project.
  
3.      The maximum density of the future development of the 21.63 acres of property zoned from R-A to R-3 shall be 105 units.

4. A berm with trees shall be planted in the area between the Boston State Road Right-of-Way and the closest building to Boston State Road on the 21.63 acres of property rezoned from R-A to R-3.

5. The project to be constructed on the property rezoned from R-A to R-3 shall comply with the minimum number of required parking spaces for attached multi-family units as established by the Town's Zoning Code.

Motion Cont'd:

6. The area labeled as "Exception Parcel" on the plans submitted by the Applicant consisting of a possible Quaker cemetery shall be left undisturbed on a permanent basis.

7. Prior to the commencement of the development of the property rezoned from R-A to R-3, the Applicant shall be required to submit engineered plans and required supporting documentation and to obtain all required approvals from the Town of Boston and involved governmental agencies including but not limited to Site Plan Approval.

8. The Applicant shall be required to obtain building permits from the Town of Boston Building Department for all buildings to be constructed on the property rezoned from R-A to R-3.

9. Any permanent signage for the future development of the property rezoned from R-A to R-3 shall have an upscale appearance.

10. All future buildings to be constructed on the property rezoned from R-A to R-3 located within 820 feet of the eastern edge of the Boston State Road Right-of-Way as measured along the northerly boundary of the property rezoned beginning at the point this line intersects with the Boston State Road Right-of-Way shall be single story.

11. The Applicant shall be required to commence construction of the project on the property rezoned from R-A to R-3 within twelve months of obtaining all required approvals and permits

from the Town of Boston and involved governmental agencies unless an extension of the timeframe for the commencement of construction shall be approved by the Town Board. For purposes of this condition, the commencement of necessary infrastructure improvements on the property rezoned from R-A to R-3 shall constitute commencement of construction of the project.

12. Conditions #1 through #12 above shall not be modified or rescinded unless such modification or rescission has been approved by a majority vote of the Town Board.

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

three (3) Ayes (2) two Nay    Carried

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to refer the Brookfield Residential Project on the lands of Boston Valley Holding Company [part of SBL No. 226.02-4-51] located on the west side of Boston State Road, south of Deanna Drive, and the proposed extension of the subdivision on Deanna Drive [SBL No. 226.02-4-1.1] to the Planning Board for the site plan review and subdivision approval upon filing an application by the applicant.

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

three (3) Ayes (2) two Nay    Carried

Mitchell Martin, Community Representative, Senator Patrick Gallivan's office stated that he is here to address any concerns the residents may have and will also take them back to Senator Gallivan. Anyone wishing to speak with him may do so after the meeting.

Keith Kaszubik, Town Historian commented that there is definitely a cemetery in the area of the Proposed Brookfield Residential Project and historical records show that as long ago as 1917 there was a property tax exemption for it.

Supervisor Ballowe noted that the builders will contact Mr. Kaszubik so that fencing or some sort of barrier can be installed to help preserve the area.

Tom Steinegle inquired about the speed limit posting for Keller Road.

Supervisor Ballowe: The County does do the research on this; I will have the Town Clerk research the minutes to see what roads were being considered and we will get back to you.

Received and filed monthly reports from the Supervisor, Assessor and Dog Control.

Highway Superintendent Telaak: Since the last meeting the Highway Department has paved several roads, some of them being Ward Road, Charles Drive, James Drive, and John's Terrace. They turned out very well. I would like to thank the other towns that helped us out with the trucking. It is a tremendous savings for us. The Town of North Collins sent one truck, Town of Colden sent two trucks, and the Town of Aurora sent two trucks. Tarring and stoning will start in the next few weeks.

Parks Superintendent Telaak: The highway workers paved the parking lot behind the Recreation Center. We extended it making it much larger because we are going to add a basketball court to it. The Highway workers did all the paving using Gernatt's paver, saving us several thousand dollars by doing it ourselves. We are going to start with the volleyball courts and horseshoe pits in the next two weeks.

Councilman Murtha: I wanted to mention how wonderful the Historical Society looked with the fresh paint and new roof and new displays inside. I highly recommend that you join the Historical Society and make a visit.

Councilman Murtha: The Mill Street Bid document will be coming out in July. The water line on Cole Road is almost done and the yards are almost restored. I am marking trees in Eighteen Mile Creek that have to come down. It is difficult using a can of spray paint, so I may resort to using a paint ball gun.

Councilman Genzel: As your Engineering Liaison, I met with Parks Superintendent Telaak and parks workers on Friday to discuss the new soccer fields. We have one of them laid out which will be part of the in-kind services towards the grant we received which will be implemented this summer. The larger field at the North Boston Park is going to have to be leveled with some topsoil. There are drainage pipes that were put in there years ago and sank, so we are going to fill those in and make a nice smooth surface. We had another one designed for the other side of the memorial ball field. I volunteered my surveying equipment to fit the best-sized field we can in that area without disturbing that memorial field. I think it is essential that we stay off of that field for soccer in the fall, and we will set monuments at the four corners of the field so that the crews can always find them in the future.

Councilman Genzel: Design is almost complete for the Mill Street drainage relief. The Planning Board met last Tuesday for a work session, there was no agenda. The Site plan is not yet ready for the Hamburg Overhead garage addition. The next Planning Board meeting is June 26 at 7:30 p.m. if there is an agenda. We are always looking for quality members for all the Boards. There are a couple openings on the Zoning Board of Appeals if anyone is interested, please send a letter of interest to the Town Clerk's office.

Councilman Genzel: As your Planning Board Liaison, I would like to thank the developers for having patience and sticking with and adjusting the project towards the town's requests during the public hearings. I was in favor of this project. I think it is needed in Boston. Growth is necessary, especially planned growth. I look forward to looking at this project down the road and how it affects our town in a positive way.

Councilman Genzel: As your Boston Community Foundation Liaison we are \$225 away from our goal of \$5,000. Posters are being made to hang in businesses; we also sent flyers to the schools when it was in session. The Town Band will start at 8 p.m. and the fireworks at 10 p.m. I just wanted to ask the two councilmen on the ends if they were considering donating to the fireworks.

Councilman Murtha: Absolutely.

Councilman Genzel: Great, that should put us over the top. As you can see construction has begun on Dollar General, the Boston Fire Hall and Emerling Chevrolet. It is good to see growth in the community, especially commercial. Those are increases in the tax base and that is a benefit to the town.

Councilman Genzel: Just a reminder, there has been two cases of confirmed Lyme disease. Please check your pets, children, and yourself if you are ever out in the brush. I am hoping to have the Charlaps ice cream van at the 4th of July celebration. Remember to vote in the primary on June 26th.

Councilman Genzel: I would like to thank Highway Superintendent Telaak and his crew. I travel Ward Road quite a bit and they did an excellent job. There is a little area where Orchard Park brush pick up came in and pulled some logs out of the ditch that I may need you to look at, but it turned out really nice.

Councilman Genzel: I participated in the Brinkerhoff 5K run. It was an excellent event. There were at least 400 racers there. They donate quite a bit to the Town of Boston Recreation. They are sponsoring six children this year, and donating a basketball hoop. The Highway Department did a nice job paving the parking lot behind the recreation center. Congratulations to Supervisor Ballowe and Councilman Boardway for their breakthrough with the EMS Dispatch and the Town of Hamburg, it is an incredible amount of savings.

Councilman Boardway: We are gearing up for Summer Day Camp; Recreation Director Clesse has been working hard. We have appointed the Camp Director under preliminary matter tonight because she starts tomorrow. The improvements over the winter to the Recreation Center have been done. Recreation Director Clesse thanks the Board specifically for all the painting that was done, the new overhead doors, the new interior doors and in particular the black topping of the parking lot behind the building. Anyone that was present at the last Town Board meeting knows we authorized contracting that work out. Highway Superintendent Telaak was able to complete it. This is the work of our Highway Department getting in there and getting it done, and saving this town money. Essentially, with the consolidation with that project and the other project where we had other towns come in and actually provide equipment and manpower to work together community wise. It is a consolidation of our small governments to a certain degree; it is not a pure consolidation. We are not completely swapping people around, but we are sharing services. That is common sense government. If they have something we do not, we can borrow

and vice versa. This is a common sense approach in local government. This is a cost saving effort put together by Highway Superintendent Telaak fully supported by this Town Board. If you have noticed over the last two years, we have been going in that direction. We have tried to do this consistently, whether it's with the fire services, or anything we can share services and lower our costs thus lowering your burden, we are going to do it. I Congratulate Highway Superintendent Telaak for not only being able to take that job out of a bid project and do it but get all of this done at a cost effective and timely basis.

Councilman Boardway Cont'd: I would like to thank Town Attorney Kobiolka for getting this contract for the Hamburg Dispatch drafted; This is finally memorialized. It is in writing, we will be able to go into the Town Clerk's Office and find it. We know what the numbers are, they are defined for the next four years, and we are saving \$100,000.

Councilman Boardway: Recreation Director Clesse emailed me with a suggestion for the Recreation Center about hanging hooks for the kids to keep their backpacks and jackets off the floor. It should be less than \$200 and we will have the Parks Department help us out with that installation.

Councilman Boardway noted that the Summer Concert series is officially, 100 percent paid for with sponsorships. Councilman Genzel, Supervisor Ballowe, and I have sponsored some of these concerts. A list of additional sponsors can be found on the Town of Boston's website. For the second or third year in a row, these concerts are completely provided to the citizens as a free event every Tuesday evening under the Lions Shelter.

Councilman Vara: I met last Friday with Supervisor Ballowe going over the facilities. We went through the Tennis court and how we can possibly get that refinished. We looked at the baseball park. We went to the South Boston Playground and are working on getting some work done there. We are looking into some possible free money from the USTA for the tennis courts and the NFL for the football program possibly as we talked briefly about redoing the field and maybe a toe field where we could rent it out to various organizations and make it a money maker, get corporate sponsors. I am pursuing that for the Supervisor and the people of Boston.

Councilman Vara: I met with Waste Management, the solar compactor is coming, and we just need to figure out exactly where to put it. We also talked about possible "Keep America Beautiful" grants to create a possible compost area for the people of Boston. We are also discussing the Recycle Bank, where you can get coupons to buy products. Waste Management is considering donating a computer to our Senior Center which will allow any senior who does not have a personal computer to access the Recycle Bank website so that they benefit from this program.

Supervisor Ballowe: I was honored to be invited and attend the VFW Installation dinner at the North Boston Fire Company. If you ever talk to these gentlemen you will learn what they have experienced in their life and what they have gone through. They were able to ask me some questions regarding the Boston Commons Memorial site. It has not been updated in many years. We are going to maintain this area and have some landscaping and concrete work done and make it more accessible. I have also been working with Highway Superintendent Telaak to get some painting finished that we determined that we definitely have to keep moving forward with the process we started with painting and updating things. We have the Lion's Shelter and fence around the garbage shelter done. We did some pressure washing at the other end of town. We are getting the soccer fields ready.

Supervisor Ballowe referred to an email from Legislator Mills stating that the NYS DOT inspection report for the Hillcroft Bridge Structure can currently take the legal load and therefore is not posted. The road is a town road but the county owns the bridge. The town is posted with a 3-ton load limit. The traffic is also very low at 400 VPD+/- and is said that the bridge is currently programmed for repair or replacement. The bridge is scheduled for its 2-year inspection this summer.

Supervisor Ballowe: This was not the answer we were looking for. We would definitely like to see that bridge taken out. It is an old bridge with a date stamp of approximately 1893.

Supervisor Ballowe: We have asked our Grant Writer Connie Miner to look into a tree grant for the Town of Boston. We were trying to coincide it with our Bank erosion to get a grant to plant trees along our banks to help control erosion. Unfortunately it was researched that the Town of Boston was not suited for this type of application. We try to apply for these free grants so it does not come out of our drainage or other budget. We will keep trying.

Supervisor Ballowe: We are trying to stretch our dollar as far as it will possibly go. The concrete will also start being laid for extending our pads and sidewalks. The safety Ballard's will also be installed soon.

Supervisor Ballowe: We are looking at a multitude of projects. We are going to try and get the tennis courts done first then move onto other things like Frisbee golf and a bocce ball court, etc.

A motion was made by Supervisor Ballowe and seconded by Councilman Vara to adjourn the meeting at 8:19 p.m.

five (5) Ayes Carried

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JENNIFER A. MULÉ, TOWN CLERK