

Town Board Minutes June 6, 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.

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

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to schedule the annual Mobile Home Park Inspection for Boston Hills Homes and Estates for Thursday, June 21, 2012 at 5 p.m.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilman Genzel to approve the minutes of the May 16, 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 May 31, 2012 in the amount of \$89,399.62 be paid.

five (5) Ayes Carried

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

five (5) Ayes Carried

A motion was made by Councilman Vara and was seconded by Supervisor Ballowe to approve the request from Assessor McSkimming to attend the NYS Assessor's Association Seminar on Appraising from July 16-20, 2012 at Cornell University. All appropriate expenses to be paid.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Murtha to accept the resignation of Paula Litwin, Webmaster effective June 30, 2012.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Murtha on the recommendation of Recreation Director Clesse, to appoint Aimee Beyette as a Tennis Instructor for the Summer Recreation Program at a rate of \$15 per hour term to expire August 24, 2012:

five (5) Ayes Carried

At 7:40 p.m. a Public Hearing was held to hear comments to consider the Rezoning of Boston Holdings LLC of approximately 2 Acres +/- of land behind 5659 Herman Hill Road (SBL# 211.14-1-1.1) from C-1 (Local Retail Business District) to C-2 (General Commercial District), Proposed Local Law No. 3 of the year 2012.

Supervisor Ballowe read the legal notice.

The following persons spoke against the Rezoning of land behind 5659 Herman Hill Road, SBL #211.14-1-1.1:

Paul Hafner Kathy Hafner

Paul and Kathleen Hafner, 5638 Southside Drive spoke against the proposed Rezoning for the following reasons: Loss of view of hills, increased business activity and truck movement, lighting and air pollution, possible decrease in property value, and safety of their grandchildren who play near that area because of the shift in the grade from their property to Kuhn's.

Ken Kloeber, Licensed Engineer for this rezoning project explained that he and Mr. Kuhn are willing to discuss any problem or question that a resident may have regarding this project. He explained that screening with fencing or vegetation can also be discussed.

He explained that there is no change in the operation of the business, the placement of the addition to the building will allow loading and unloading of the trucks to be done within instead of outside and it will also allow for more equipment and truck storage. He noted that the grade from the residential area to the proposed new facility will continue around westerly to the back of the addition and then flattened out past the proposed parking lot.

Ken Kloeber noted that they are looking at a sixty-foot addition onto the gable end of the building that is about 28 feet high, 232 feet long, about 35 feet deeper than the existing building to create three drive-thru bays to facilitate loading. It is also the intention to move the dumpster inside and clean up the yard. In terms of the site plan, we are talking about at grade parking, approximately 24 spaces. He explained that there will be low intensity down wash lighting on the building.

Paul Hafner presented the Town Board members with an aerial photo of the proposed project area which included the location of the residences affected.

Judy Rados asked why they have to ask for rezoning prior to the site plan. And if the rezoning is approved and goes to site plan, the Planning Board says no, can this property revert to the C-1.

Town Attorney Kobiolka noted that this public hearing is to discuss the Rezoning of the property and those aspects can be discussed later.

A motion was made by Councilman Genzel and seconded by Councilman Boardway to close the public hearing at 8:04 p.m.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Boardway upon the recommendation of Town Engineer Hannon that the Town Board has classified the rezoning of Boston Holdings LLC of approximately 2 Acres +/- of land behind 5659 Herman Hill Road (SBL No. 211.14-1-1.1) from C-1 to C-2 as an unlisted action under SEQR and therefore declare lead agency status.

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 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 Rezoning of Boston Holdings LLC of approximately 2 Acres +/- of land behind 5659 Herman Hill Road (SBL No. 211.14-1-1.1) from C-1 to C-2, find that the proposed action will not have a significant impact on the environment, and declare a negative declaration and that no further action is required per NYCRR part 617.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to adopt Local Law No. 4 of the year 2012 (Proposed Local Law No. 3-2012 Entitled A Local Law to Rezone Approximately 2 acres +/- of Land [Part of SBL No. 211.14-1-1.1 from C-1 (local retail business district) to C-2 (General Commercial District).

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 Councilman Genzel and was seconded by Councilman Boardway to refer the Rezoning Application of Jeff Kuhn and Boston Holdings, LLC, 5659 Herman Hill Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

Councilman Boardway noted that the Planning Board will have site plan review and approvals. This is where your concerns will lie with respect to modifications to the final plan.

PROCLAMATION TROOPER CHRISTOPER B. SULLIVAN

PROCLAMATION TOWN OF BOSTON EMERGENCY SQUAD

Councilman Boardway noted that we have the best EMS first responders in town. We have the pleasure of hosting the NYS Troopers Barracks in our town and are very lucky to have them.

The following bids were received for the concrete work within the town parks:

B&W Custom Concrete	\$13,635	Broad Spectrum Concrete	\$14,185
Creative Concrete	\$15,370	Cameron Bros. Concrete	\$16,345

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to award the concrete bid to B&W Custom Concrete at a cost of \$13,635.

five (5) Ayes Carried

Supervisor Ballowe noted that the sidewalk pads will be finished at the end of the building. Safety Ballard's will be installed out near the fields where parents and spectators stand to watch the games. There will be new concrete near the fishing pond and underneath some benches in the parks. There will be a round pad put in with the replacement of old picnic benches.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to schedule a bid opening for the Town Hall Roof Replacement for June 26, 2012 at 10 a.m.

five (5) Ayes Carried

Reverend Doctor Bonnie Bates, Faith United Church of Christ: As we all sit here and look at the Town Seal of Boston, it is important to mention that Donald F. Schutt, who designed the seal as Town Historian, passed away on March 30, 2012.

Town Clerk Mulé noted that there will be a blood drive on Tuesday, June 12 from 2:30 pm to 6:30 pm in the Town Hall Community Room, all donors will receive a coupon for a free pizza from Bella Pizza, and there will be five pair of Bison's Flex Pass tickets raffled off.

Town Clerk Mulé noted that Flag Day is June 14th being sponsored by Boy Scout Troop #491 at 3 pm at the Lion's Shelter.

Town Clerk Mulé also noted that the Brinkerhoff run will be held Saturday, June 16, registration starting at 8 am until 2 pm. Participants can also pre-register Friday, June 15 from 4 pm to 8 pm in the town hall community room.

Town Clerk Mulé thanked everyone that came out to celebrate Memorial Day and noted that it was brought to her attention that some town residents were concerned that she did not obtain

the appropriate permits to close Boston State Road for the parade. She assured everyone that this issue was researched and the Town of Boston does not have a town ordinance that requires a permit for road closure and was also in contact with Zone Sergeant Don Garden of the NYS Police and he verified that absent a local parade ordinance, a local municipality only need notify the local police to coordinate traffic control for these events. Trooper Merle Schreckengost was assigned and did participate by leading the parade and overseeing traffic control provided by North Boston Fire Company.

Town Clerk Mulé also noted that in an attempt to make things more efficient in the Town Clerk's office the hours will now be Monday, Wednesday, and Friday from 9 am to 4 pm and Tuesday and Thursday from 9 am to 5 pm. We will continue to have additional hours during tax collection and hunting license sales.

Town Clerk Mulé appointed Sandra L. Quinlan as Deputy Town Clerk, PT, term to expire December 31, 2012.

A motion was made by Councilman Murtha and was seconded by Supervisor Ballowe to approve the salary of Sandra L. Quinlan at \$13.13 per hour.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to appoint Sandra L. Quinlan as Sub Registrar of Vital Statistics term to expire December 31, 2012.

five (5) Ayes Carried

Highway Superintendent Telaak: Brush pick up is now done until September. During the summer the men will be patching and paving getting ready to do some tar and stoning in the next two weeks. We will start paving John's Terrace, James Drive, and Ward Road.

Highway Superintendent Telaak noted that the following bids for the paving of the parking lot behind the recreation building were received:

Gauthier Blacktop \$5,118 Ballou Paving \$17,500

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to accept the bid from Gauthier Blacktop to black top the parking lot behind the Recreation Center in the amount of \$5,118.

five (5) Ayes Carried

Parks Superintendent Telaak: With the help of the grant, we will be installing a couple new horseshoe pits and a new volleyball court. I walked the path throughout the town park which is 2,000 feet long. That will be all blacktopped. The Highway Department will be performing almost all this work, the only thing we will not be doing is the paving. The paving is six foot wide, the blacktop, and we do not have a paver for that you need a special small paver, so we will be bidding the paving part out. But other than that the Highway Department will dig it out and stone it and do most of the work.

Councilman Murtha: I was very much impressed with the Memorial Day Service conducted by the town it is a wonderful thing to see. I want to explain my vote against the rezoning; I agree with Ms. Rados, I do not see why a site plan can't be done before the rezoning. I don't understand that, that is why I voted no. I also want to talk about my continued objection to having requests from the floor where they are. I see no sense in scheduling them after decisions have been made.

Councilman Genzel: As your Engineering Liaison, restoration is continuing along Cole Road, for Water District #3, Ext. #1. I had hoped that was going to be done by the end of May, but it looks like we are pushing into June, it should be done soon. All the people on Cole Road have been hooked up and I believe are using public water. I'm very happy for them, they deserve it up there. Plans are being generated for the Mill Road drainage relief project. We did core samplings for the Geotechnical report. Town Engineer Hannon wanted to make sure there is no rock underneath there where they will be excavating and putting pipe in and lucky enough we didn't find any rock.

Councilman Genzel: As your Planning Board Liaison, the last Planning Board meeting was cancelled. The next meetings are June 12 and 26 at 7:30 p.m. if an agenda is needed. We are

always looking for quality members on all the boards. The Zoning Board of Appeals is in need of a couple new members. If interested please send a letter of interest to the Town Clerk.

Councilman Genzel: As your Boston Community Foundation Liaison, we are \$600 away from our goal for the fireworks display which was \$5,000. Thank you to everyone who has donated already. If anyone would still like to donate, you can send that in care of the Supervisor's office, fireworks display. The Boston Town Band will play at 8 pm under the Lion's Shelter; we are hoping to have the different clubs and groups set up booths. I know the Lions Club is planning on it and hopefully our Historical Society; it's a good time to recruit new members.

Councilman Genzel: There have been two confirmed reports of Lyme disease in town. I would recommend everyone check themselves, children, and pets. This can become serious if you contract that disease. I'd also like to mention Mr. Donald Schutt, he did pass away, and his son Matthew does live in town, he created our seal and did a wonderful job and was a very nice guy.

Councilman Genzel: The supervisor has asked me to solicit bids for the town phone systems. By doing so, we were able to save 15.98 percent or \$2,141. With the help of Elizabeth Martin we were able to come up with three different bids and bid them against each other. This in turn gave us the savings to the taxpayers. Reminder that the Trooper Brinkerhoff Race is June 16 and the roads will be quite busy during that time, and may have to take an alternate route, because part of Boston State Road will be closed for a short time. I also attended the Memorial Day celebration and was in the parade with my children and Marty's Children. Jennifer you did an excellent job organizing that event and Beth if she helped, good job.

Councilman Boardway: Just a real quick town government 101; site plans are very expensive for the applicants. When you are talking about a big construction project, you are talking about rezoning a residential project. The applicants have to put in an enormous amount of money up front. Our town requirements alone just for the maps they have to give us are thousands and thousands of dollars and then we go back and tell them we do not like this on the map, you have to do another one. The reason the rezoning has to happen first is because they don't go forward without that. We are not, as a sound, common sense built board here going to require and applicant coming to our town with a good viable idea, a good business plan to spend thousands of dollars to get our approval just so we can turn around and say no. It's the cart before the horse, but structurally, from our stand point it makes sense to do it this way, and there is quite a bit of state law that is involved with that also. We certainly didn't mean to misdirect or redirect you when the public hearing was going on, but that really has to be focused on just that project.

Councilman Boardway: Report from Hamburg Dispatch showed Boston Fire Company answered 5 fire calls, North Boston ? 5 calls, Patchin responded 8 times, 7 were EMS, 1 was a false alarm. In regards to the firematic services, it is an ongoing project.

On May 17, I had the opportunity to sit down with our auditor and representatives from our fire companies. Councilman Vara, Town Attorney Kobiolka and I went over the audit results from the services award plan that was done previously. A couple of interesting things came to light that night. One being, Penflex had reported that the audit was not concluded on the Patchin side of it. That was the written report the town received. Patchin did not finish their portion of the audit, which was brought to our attention again that night. We explained that we saw that and talked about that. Mike Durusky, at the time, the chief of Patchin produced, which he has not sent me on an email yet, but produced an addendum on his cell phone, which was an email that has been sent to him from Penflex. What the addendum did was verify on their end the final things they had to do. Penflex representative, Ed Hoolihan, who was also present in the room that night, acknowledged that that email may very well have only been sent to Mike Durusky, and was not sent to the town, and was not part of the town package. We are in the process right now of revising the conclusion of the audit, which will eventually show that Patchin did complete the audit. That should happen by our next meeting and the services award points should be resolved. What troubles me about this entire scenario here, and Councilman Vara I'm going to ask you this question because you were there that night. On May 2, 2012 at our agenda meeting and in the minutes of our Town Board meeting, you discussed this addendum. At the agenda meeting you specifically asked Councilman Genzel, Supervisor Ballowe and I what about the addendum and we all stated that we did not have an addendum, yet you had it. Where did you get it?

Councilman Vara: It came from private sources, it was sent as a private source, and I was under the impression that everybody had that addendum, that is why it was brought up.

Councilman Boardway: Councilman Vara, at the agenda meeting that night you were told by the three of us that we did not have that addendum.

Councilman Vara: When I tried to bring up the addendum, you tried to shut me up.

Councilman Boardway: You just said, you thought we had it. We told you we did not have it.

Councilman Vara: Councilman Murtha read the comment read the read report that was on May 2nd and Mike Schwab brought up something about an addendum.

Councilman Boardway: He did, and in the minutes I said we don't have an addendum. You have an obligation to the taxpayers of this town, that if you have documentation

Councilman Vara: Inaudible?.do this report and yet they didn't give you the addendum. I find that hard to believe.

Councilman Boardway: You were at the meeting on the night of the 17th when Ed Hoolihan said he didn't send it to us. You were also there when Mike Durusky, the Chief of Patchin Fire Company at the time, showed it to me for the very first time on his cell phone, from email that was only sent to him. Yet you had that a month earlier?(inaudible)

Councilman Vara: I tried to bring up this addendum numerous times and all you guys did was shut us up.

Supervisor Ballowe: That's not true,

Councilman Vara: We tried to bring this addendum up and every time you said we were out of order. You constantly tried to shut us up.

Supervisor Ballowe: I didn't say out of order, I said what addendum?

Councilman Boardway: You almost let this town spend \$1,200 on an additional?you had information, written, in your possession, that is the property of the Town of Boston that you did not share on specific questioning.

Councilman Vara: (inaudible) ?. Private source

Councilman Boardway: Information from private source? You knew it was relevant.

Councilman Vara: I tried to bring it up and you guys shut me up.

Councilman Boardway: You tried? How hard did you try Councilman Vara? Did you forward me a copy of it?

Councilman Vara: If you didn't shut me up, you would have gotten a copy of it. It's disturbing to me that you guys won't let me bring this point up.

Supervisor Ballowe: Gary, please do not insult my intelligence that says I shut you up. I asked you numerous times, But don't insult me by saying I tried to quiet you up because I am more than forthcoming and I gave copies of everything to everybody as you received a copy tonight from the town attorney on another project.

Councilman Vara: I tried to clear this thing up and you guys? (inaudible).

Councilman Boardway: You tried. You had written information relevant to town business which you tried to bring up.

Councilman Boardway: On a pleasant note, the firematic contract with respect to dispatch for the town between the Town EMS and Fire Services is a very expensive proposition. It's been \$54,800 a year roughly for this year's bill. Supervisor Ballowe and I have been in negotiations with the Town of Hamburg recognizing after talking with many of the firematic service people and EMS people that they wanted to stay with Hamburg dispatch. They are well versed in our area, our companies, our service, everything, but it was expensive. I am pleased to report at this time, that as of 4 o'clock yesterday afternoon, a meeting with Supervisor Ballowe and Town of Hamburg Supervisor Steve Walters we have come to a new agreement. For 2013 our dispatch cost will be \$30,000 that is a twenty five thousand plus dollar savings. For 2014, it will be \$31,200, 2015 - \$32,448 and for 2016 it will be \$33,746. Considering the increases that were built into the previous arrangement that has been agreed to and just been (inaudible) just write the check for the last 20 years, no real agreement, we are saving \$100,000 in the next four years on dispatch and keeping Hamburg Dispatch as our primary provider for the Town of

Boston. We have asked Town Attorney Kobiolka to draft a contract in conjunction with Hamburg's Town Attorney.

Councilman Boardway: As most of you know, Dave Shenk was deployed last year; he was away and out of the town hall for a year. Supervisor Ballowe has received an honor for that. Here is a plaque from the Secretary of Defense, an Employers support of the Garden Reserve Units award specifically recognizing Supervisor Martin A. Ballowe as a patriotic employer.

Councilman Vara: The Conservation Advisory Council has been working diligently to try and come up with a plaque for the town hall in regards to the scenic by-way. I had a meeting with Waste Management in regards to future contracts and some things they still owe us for the previous contract. In regards to requests from the supervisor, I've looked into bids on tennis, basketball and volleyball courts. I have bids from Greenauer, which I'll present to the supervisor and go over these things and see what exactly is there. They gave me prices on resurfacing the tennis and basketball courts and relining them and also resurfacing the basketball court itself Boston and the Volleyball court. I also met with Verizon but they want to play phone tag, so I may threaten them with possibly going to some other source and get on top of that.

Councilman Vara: In regards to the vote on the issue tonight voting no, I was hoping it would be tabled it so we could look into the environmental impact of this project that is the reason why I voted in the negative.

Supervisor Ballowe: Under the Supervisor's report obviously the concrete was one of mine, so that project is done. I am still working on the roofing bid and painting of the Lion's Shelter. We also have painted the Lion's storage facility down below, refurbished that with some new paint on it and cleaned up around it. They requested that we get some more electricity there to test beds and wheel chairs they have. So we are going to work on getting some electricity on that building. Last meeting we had the opportunity to vote on the Highway Contract. This Highway Contract was passed with a three two vote. I worked on the highway contract for nine months.

Supervisor Ballowe Cont'd: It is a solid contract, and had multiple meetings. I've let everyone know when the meetings are to attend them if possible and the Highway contract is a good contract for the town, for the seven highway workers who plow our streets, clean out our ditches when it's flooding, when we can't get the county here to clean them out. In the past they have plowed out fire companies in emergencies. They do a great deal for the town that people don't realize. They cross over into the Parks Department and do work there, which they don't ask for reimbursement for, they just come over, they help reseed the Trooper's Barracks, plant everything, do everything we ask, help with the Parks grants and that doesn't fall under their scope of the contract, but yet they see the need to help our town as a whole and work together.

There were comments made from other councilman that it's time for sacrificing and if they had spent as much time as I did on that contract they would realize that these men pay higher deductible, higher co-payments, higher for their prescriptions. They gave up the union insurance and went to the hybrid plan and after everything is said and done and all the raises are paid and everything is taken care of the first year, it still saved the town \$18,000 compared to the last contract. That is an enormous amount of money. That \$18,000 will be carried over to the following year, which will see cost savings and help cover the costs of their raises and it will carry to the third year. In previous years, the contract was a four-year contract. In 2008 when the last supervisor was here, Mr. Eagan and Mr. Hawkins they approved a four-year contract at a three percent raise per year, and I'm pretty sure in 2008 we had the worst stock market crash since the great depression. In fact, I'm guaranteeing that. Yet, a three percent raise went in, and the insurance went in with no payments for the insurance either. No concessions made, these men came to the table and understood where we were coming from. I understood their needs and I tried to work diligently with them. I thought the negotiations went well and I was proud of both sides, we were respectful to each other's needs and we understood what the needs of the citizens were. When we say we need time for sacrifices, I think that people should take the time and dig into what this administration has done in the last two years. The list is substantial when you have a staff salary reduction.

This administration has cut excessive staff in various departments; Code Enforcement, Dog Control, Town Clerk's office, and numerous reductions in overstaff positions in recreation. Recreation runs with ten less people than it did years ago. We have more children, more programs and we run with less people. Also, I took a 20 percent reduction every single year to help. I do not do this job obviously for the money.

We have implemented hand imaging time clocks; it scans people's hands, it makes them accountable. It's makes accountability to the state pension fund accurate. We used to pay over \$3,000 a year on the maintenance on time clocks. We no longer pay maintenance.

Finance Review & Refinancing Savings: we are continually reviewing our short-term & long-term loans & refinancing to take advantage of the current favorable interest rates. Supervisor Ballowe Cont'd: We secured a stimulus federal loan, with a 35% interest rebate for Water District #3. That is almost one million dollars in savings. The highway department is currently debt free. Eight hundred thousand dollars Highway Superintendent Telaak cut back, debt free that is enormous. We received an A-1 rating from Moody's allowed us to refinance the Trooper Barrack's loan. We are now locked in at a 22-year loan at a 3.43% interest rate. So now the Trooper's Barracks that was costing us money, is making us money. In over 22 years it is estimated to make the town close to a half a million dollars in rent.

Contractual Expenses are closely monitored: we are currently renegotiating the town's phone service to get the best price. Over the past 2 ½ years, we saved thousands of dollars annually by reviewing contracts in areas such as waste management, health insurance, and even the cleaning of the mats in the town hall & highway garage. That was done within the first 90 days of my administration. I found out he was overcharging the town \$21,000.

We have been watching everything from the Service Award Program, the way we do business for these gentlemen who provide the Fire and EMS services and how to invest their money for them. It was in dire need of a change. We changed the way we do business. In 2011 we switched the way we do it. That could possibly climb to \$200,000 where we were losing money before. The reductions go on. The tax savings over the past few years have been huge and how we cut your taxes. The taxes that were cut were true tax dollars savings. We did not borrow from the reserves. The previous administration borrowed from the reserves to cut your taxes. We cut your taxes by actually finding these savings and giving them back to you. We didn't borrow one penny from the reserves to cut your taxes. When we look at the highway workers, the gentlemen who clear our roads so we can get to our jobs, who make the EMS place safe so they can get out without slip and falls and save the people they need to save at over 400 calls a year and the firemen and everyone else who daily drive our roads. It's a good contract, I think its cost savings to this town and I don't see any need for them to pay into their healthcare insurance when they came to the table and negotiated to switch to a hybrid plan. They were respectful to the citizens, the taxpayers, me and the board who worked on it. I think it is a great program.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:54 p.m.

five (5) Ayes Carried

JENNIFER A. MULÉ, TOWN CLERK