

## **Town Board Minutes March 17, 2010**

Present: Supervisor Martin A. Ballowe, Councilmen James E. Pluta and Jeffrey A. Genzel and Jay P. Boardway and Councilwoman Cathy A. Maghran.

Also Present: Town Attorney Kobiolka and Code Enforcement Officer Ferguson.

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to appoint Lauren Gruchala as a Counselor for Friday Night Recreation term commencing on March 12, 2010 and expiring April 16, 2010.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilman Pluta to adopt the minutes of the March 3, 2010 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Boardway, upon review by the Town Board, that fund bills on the Abstract dated March 11, 2010 in the amount of \$725,085.93 be paid.

five (5) Ayes Carried

Councilman Boardway noted that that fund bills were abnormally high this month due to the annual payment of emergency services contracts; Fire- \$452,822.45 and EMS-\$27,360.00.

Alex Jeremenko, 8630 Cole Road, noted his concerns and hopes that water will be installed on the hill.

Supervisor Ballowe noted that there are certain steps that have to be followed. Once he meets with the engineers he will update Alex Jeremenko.

Paul Tuttle, V/L Deer Run Road, asked for information regarding the Hillcroft Drive water project Water District #2, Ext. #3, and noted concerns about water pressure.

Supervisor Ballowe noted that the paperwork for that project has been signed and has already been given to the engineers. It is being redesigned and we will proceed from there.

Paul Tuttle: We have heard so many different stories. Will it run across Route 219? I do this for a living, and at one point it was going to be pushed up the hill. There is no way there would be enough pressure at the top of the hill.

Councilman Genzel noted he has been in close contact with the engineers concerning this project and has gone over its history. Our efforts are to make sure that this project works the best.

Councilman Genzel cont'd: There will be an added expense due to having to come down Zimmerman and Polish Hill Roads and under the 219 Expressway and down to connect in the valley at the bottom of Hillcroft Drive. There should not be any pressure problems. There will be hydrants and the use of a pond for fire protection.

Paul Tuttle stated the pond is his and has no problem with it being used for fire protection. His concern was the pressure.

Councilman Boardway noted that a lot of time and effort has been put forth by this Town Board to investigate exactly what the residents concerns are. Pumping up that hill was just not feasible. It was agreed by this Town Board that it was more sensible to bring the line across the 219 expressway.

Supervisor Ballowe noted that this project was put on hold temporarily because it had to go back to the engineers to be redesigned.

Reynold Wierzba, 8635 Cole Road noted that the water lines stop very close to his residents and the southern most point of the district was supposed to be down approximately 100 feet, but was already stretched out. He's not sure what is going to happen as far as his property being able to get water. He also noted that he didn't understand about the redistricting.

Supervisor Ballowe noted that he has a meeting on March 22nd. The engineer's estimate that was budgeted for Water District #3 came in under budget, so we are exploring the feasibility of continuing down the hill south on Cole Road. But it has to go through Erie County Water Authority, Engineers and Erie County Health Department and so on. If there is money left over, we will absolutely continue to run it down. But there are legal concerns of adding new customers because of those residents that have been paying into the district and out of district charges. Supervisor Ballowe noted that he could come and discuss this with him at any time and he will address those issues right away. Supervisor Ballowe noted that the district was stopped at a certain point.

Julie Robel, 9060 Zimmerman Road noted that when they built they had a well put in and for the past two years could only do two loads of wash and take one shower and then they are out of water. She asked if the water would be going up the hill or across the 219 expressway. Her residence is located between the water tower and Rice Road.

Councilman Pluta: noted that would be the opposite way.

Julie Robel stated that if they would not be getting water should she have her well blasted? She noted that her children had to go to Tim Horton's to brush their teeth. She stated that they are not getting water but the people across the 219 are.

Councilman Genzel stated that is correct.

Councilman Pluta noted that when it comes to water districts, any type of extension comes off of somebody's water. It's just like when we took the water from the East Hill out of Orchard Park, those people in Orchard Park originally paid for all that, we are tapping into theirs so we can extend it. It's the same thing, it's not necessarily yours, and it's anyone that we can tap off of.

Julie Robel: Inaudible (no longer at the mic)

Councilman Pluta: Unfortunately, you are in an area up above the water tank that has been paying in that district all these years, and the question is when are you going to get water? I understand your plight and it's something that this Town Board will have to ask those questions and tackle them. We are aware of it.

Julie Robel: Do I need to blast my well?

Councilwoman Maghran: Yes. You have to have to remember also that we don't set the water districts up, Erie County Water Authority does.

Don Robel, 9060 Zimmerman: Why do they get water on Hillcroft Drive?

Councilman Genzel: The district that is going down Hillcroft Drive is completely paid for by those residents. Your taxes are not paying for it. There are approximately 20 residents and they are paying the entire bill. They will be paying about \$1,400 a year more per residents for the next 30 years.

Don Robel: Is there anything we can do to get the ball rolling on Zimmerman Road?

Councilman Genzel: The tank on Zimmerman Road is too small and the pump station on Keller Road is too small.

Don Robel: Why did they put it down the hill a quarter mile instead of right on the top?

Councilman Pluta: Unfortunately, we weren't there and we are trying to deal with some of the things that were done by prior administrations.

Councilman Boardway: The feasibility and the cost of making that tank come up to what they tell us it has to capacity is not a doable thing. It would impose additional fees on the residents. There are a lot of minimum standards in place with minimum water pressures and volumes that the town has to maintain.

Councilman Pluta: They assume that we have to supply 700 gallons a minute for two hours minimum for fire fighting, and the tank can't do it. They are suggesting that we raise it up an additional 35 feet on top.

Councilman Genzel: That is the fifth time that water is being pumped from Sturgeon Point. It just comes to a point where you just can't get the water any further.

Frank Lisowski, 5461 Shero Road: In Water District 2 are we going to be getting water on Shero, Rockwood and Feddick Roads? We have been paying for water in district for 15 years. Are we included in this water extension to Hillcroft?

Supervisor Ballowe stated that was a separate project.

Frank Lisowski: Why? We have been waiting for 15 years.

Councilman Genzel: You know when the tank was put in.

Frank Lisowski: The original plans were designed to handle that entire district.

Councilman Pluta asked if the original design was installed.

Frank Lisowski: No, the original design was not installed. We would like water also.

Supervisor Ballowe: We would love to give everyone water, but the design, pumps, recovery time, the study they did, the tank and pumps just can't handle it.

Frank Lisowski: I'm at a lower grade than the tank. Residents on those roads are also lower. It's funny it won't give us water but yet it will pump it up the hill and back down to Hillcroft.

Councilman Pluta: Why is it going up hill?

Frank Lisowski: It has to go up hill from my house to get to that tank, to Polish Hill Road and across the 219 expressway. You leave the corner of Zimmerman and Shero Roads you are going up hill.

Councilman Pluta: The bottom line is the tank isn't big enough to handle the rest of the district.

Supervisor Ballowe: It's the distance between the homes.

Frank Lisowski: What was said earlier? It's good to put a loop in. If you were to do Shero and Rockwood Roads and come down Feddick, you would have your loop there too.

Rich Hawkins, 6892 Pin Oak Drive (former supervisor): Before I left office, a few residents came to me to discuss the town park. At that time, the Town Board had looked into putting a water fountain somewhere near the snack shack. He also mentioned that the Baseball organization had asked about the scoreboard which has not been working since the batting cages and fences were installed. Apparently a fence post hit the electrical line.

Supervisor Ballowe: How long has it been out?

Rich Hawkins: At least five or six years. He asked the Town Board to look into it.

Paul Mazur, 9245 Cole Road: If this water line should be extended on Cole Road, do you know how far it will go?

Supervisor Ballowe: We don't know that yet.

Councilman Pluta: I think it depends on how much money we are anticipating being left over and how much it is a foot to install the line. The Town Board definitely would like to extend it. We are waiting for the contractor to get further along. He still has restoration to finish also.

Supervisor Ballowe: Once the lines are all in, they need to be tested. If there are any incidentals, they could be accrued back onto us. Once I know where they are at with the project, what they are anticipating, that will give us an idea and see how far we can go with it.

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to appoint Zachary Agliata and Justin Duffett to the Boston Emergency Squad and will continue until such time as resignation, removal, or replacement.

five (5) Ayes Carried

A motion was made by Councilman Pluta and was seconded by Supervisor Ballowe, on the recommendation of the Conservation Advisory Council to appoint Diana Rettig, term to expire 03/01/2012.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to approve the Use of Facility Application from Recreation Director Clesse for Summer Recreation Day Camp starting July 6th through August 12th, 2010.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to approve the Use of Facility application from Trooper David C. Brinkerhoff Foundation for the annual 5K run for June 18th and 19th.

five (5) Ayes Carried

Received and filed Planning Board recommendation for rezoning 7223 Boston State Road.

A motion was made by Councilman Genzel and seconded by Councilman Pluta to schedule a Public Hearing for April 7th at 7:45 p.m. on Proposed Local Law No. 1 of the Year 2010, A Local Law to Rezone 7223 Boston State Road which contains approximately .76 acres of land [SBL no. 211.14-1-12.1] from C-1 (Local Retail Business District) to C-2 (General Commercial District).

five (5) Ayes Carried

Received and filed Planning Board recommendation for rezoning Boston Valley Commons, 7074 Boston State Road.

A motion was made by Councilwoman Maghran and was seconded by Supervisor Ballowe to table the Boston Valley Commons, 7074 Boston State Road, phase 3, Rezoning request from C-1 to C-2.

five (5) Ayes Carried

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

Supervisor Ballowe noted that the AUD was filed in the Town Clerk's office for public review. Supervisor Ballowe also noted that Assessor McSkimming or Assessment Clerk Fitzner will personally go to a resident's home to help them fill out the STAR application if they are unable to come to the office. Supervisor Ballowe also noted that the Hillcroft Bank stabilization project is now finished.

Town Clerk Shenk noted that the next blood drive will be March 23rd.

Highway Superintendent Telaak noted that brush pick up will begin April 5th. He noted that they have started sweeping streets and there is a lot of fill available. Highway Superintendent Telaak informed the public that if they need their ditch cleaned out to contact the Highway Department. Highway Superintendent Telaak stated that the flooding on Boston Cross Road needs to be diverted to the south side of the road. He requested the town engineer review this area and suggest a solution.

Councilman Pluta noted he met with the senior groups and gave them information from Erie County Senior Services. He noted that the Conservation Advisory Council is requesting to have the town ponds tested for bacteria. There is a low spot in front of the handicap ramp by the lower pond and it needs to be filled in. He also noted that the Conservation Advisory Council would like the boy and girl scouts to help out on the nature trails and requested Town Attorney Kobiolka find out if they would be covered by the town's insurance.

Councilman Genzel noted that the Planning Board is discussing two rezoning applications and the possible addition at Star Automotive. He noted that volunteers are still need for the Planning Board and Ethics Board.

Councilman Genzel also noted that he met with the town engineer who is reviewing the Darling subdivision plans and the last comments on the DEIS to make sure everything has been addressed. The East Hill Water Project is about 98 percent installed and tapping in for the residents should begin next week.

Councilman Genzel noted that the revised FEMA maps are available for review in the Code Enforcement Office. He also noted that he submitted several hot spots along the Eighteen Mile Creek to NRCS for bank and erosion control projects for this year.

Councilman Boardway welcomed Dr. Brendan Ciura, Boston Valley Chiropractic. He has replaced Dr. Mark Horn's Chiropractic business.

Councilman Boardway reminded town residents to complete and mail their census forms.

Councilman Boardway noted that the office of emergency management representatives will be attending a seminar and are working on updating the master disaster plan for the town. They have discovered some Town of Hamburg surplus equipment that could be utilized by the Town of Boston. Councilman Boardway sent a letter to Hamburg Supervisor Walters requesting to use that equipment at no cost to the town.

Councilman Boardway noted that the Boston Fire Company is holding their annual Gun Raffle on April 17th from 4 pm to 9 pm. Patchin Volunteer Fire Company's next meat raffle will be held on May 8th at 8 pm. North Boston Volunteer Fire Company is now selling Grand Gala tickets.

Councilwoman Maghran noted that Target Stores offer a grant program that may benefit the Recreation Program. Recreation Director Clesse and Grant Writer Connie Miner are researching this. Latch Key programs will be available again this year during the Summer Recreation program.

Councilwoman Maghran noted that Highway Superintendent Telaak is taking care of contacting the state and county highway departments about pot holes on state and county roads.

Councilwoman Maghran noted that Town Clerk Shenk is working on getting bids on having an electrical pole moved to Omphalius and Boston State Roads.

Councilwoman Maghran noted that the Annual Easter Egg Hunt will be on April 3rd at 1:00 p.m.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:33 p.m.

five (5) Ayes Carried

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DAVID J. SHENK, TOWN CLERK