

Town Board Minutes March 2, 2011

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

Also Present: Highway Superintendent Telaak, Town Attorney Kobiolka.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to appoint the following as Part time laborers effective February 16, 2011:

Scott Fellows \$11.75 hr. Barry Decker \$10.75 hr.

five (5) Ayes Carried

Supervisor Ballowe made the following Town Board 2011 Committee appointments:

AUDIT COMMITTEE Town Board Members

TRAFFIC SAFETY & ROADWAYS Chairman - Councilwoman Maghran, Sgt. Joseph Wilkinson, Chief Scott Patronik, Hwy Supt. Telaak

INSURANCE Chairman - Councilman Boardway, Town Attorney Kobiolka, Supervisor Ballowe, Town Clerk Shenk

I.T. COMMITTEE Chairman ? Councilman Boardway, Bookkeeper Selby, Webmaster Paula Litwin, Town Clerk Shenk

INVESTMENT ADVISORY Chairman ? Councilman Boardway, Town Attorney Kobiolka, Town Board, Mark Flaherty, Designated Representatives of Boston, N. Boston & Patchin Fire Companies

SOLID WASTE & REFUSE Chairman - Councilwoman Maghran, Town Attorney Kobiolka, Supervisor Ballowe, Town Clerk Shenk

INSPECTION Code Enforcement Officer Ferguson & Town Board

CABLE TV Chairman ? Councilman Wieckowski, Councilman Genzel, Supervisor Ballowe, Town Attorney Kobiolka, Mark Flowers

DRAINAGE Chairman - Councilman Genzel, Hwy Supt. Telaak, Philip Lakso

ZONING REVIEW Town Attorney Kobiolka, Councilman Genzel, Code Enforcement Officer Ferguson, Patricia Hacker.

SAFETY Town Clerk Shenk, Hwy Supt. Telaak, Councilwoman Maghran, Sean Crotty, Mark Flowers, Raymond Worth, Supervisor Ballowe.

RECREATION Chairman ? Councilwoman Maghran, Hwy Supt. Telaak, Recreation Director Clesse, Jennifer Trimm, Lori Pfluger, Jim Roistracher, Lorinda Koczur, Deanna Newberry, Beverly Hogan, Scott Howie, Connie Miner

RECORDS Chairman - Town Clerk Shenk, Supervisor Ballowe, Deputy Town Clerk Schwanz, Leo Jensen

DEFERRED COMPENSATION Chairman ? Bookkeeper Selby, Supervisor Ballowe, Deputy Town Clerk Mulé, Councilman Boardway

CAPITAL IMPROVEMENT Chairman ? Herbert Klein, Supervisor Ballowe, Connie Miner, Councilman Genzel, Dr. Norman Hertz, Town Attorney Kobiolka and Timothy Kirst

BOSTON SENIORS - GROUP #1 President - Lois Lizak, Theresa Gresco, Philomena Saeli, Pearl Emerling, Art May, Gloria Collett, Greg Hahn, Erma Kern, Florence Weiss Rosa

YOUNG AT HEART - GROUP #2 President ? Walter Slomka, Vice Pres.- Ginnette Billittere, Secretary - Betty Cunningham, Treasurer - Larry Steward, Membership - Mary Lou Woodhouse, Sunshine - Jean Ruchalski, Bocce - Val Bezilla

OFFICE OF EMERGENCY MGMT Co-Directors ? Gene Wieckowski, Sean Crotty

Councilman Genzel noted that the Planning Board has approved the new Planning Process Package. This is a way to streamline the planning process in the Town of Boston. A checklist has been developed that the applicant needs to follow in order to get the project approved.

A motion was made by Councilman Genzel and was seconded by Supervisor Ballowe to approve the Planning Process Checklist.

five (5) Ayes Carried

Councilwoman Maghran stated that after being Planning Board Liaison for two years and helping with the development of this checklist feels it should work out very well both to help the Planning Board and the applicants to help the process function better.

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to adopt the minutes of the February 16, 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 March 1, 2011 in the amount of \$104,996.91 be paid.

five (5) Ayes Carried

Received and filed notice of Liquor License Application for Brunner's Eatery LLC.

Ray Lucas, President, Boston Chamber of Commerce noted that March 11, 2011 WNY Chamber Alliance will hold a Legislative Forum at Michael's Banquet Facility on Friday, March 11, 2011 from 7:30 a.m. to 9:30 a.m. Eighteen NYS Senators and Assembly Members representing eight counties of WNY have been invited. March 30, 2011 there will be Meet-and-Greet on Wednesday, March 30, 2011 for anyone interested in joining the Boston Chamber of Commerce.

Ron Yormick: The Planning Board has referred that the rezoning and the proposed sub division of Deanna Drive to the Town Board and I would like to know what is next in the matter.

Councilman Boardway: The Planning Board is obligated under NYS Law to prepare the initial assessment and recommendation of the applicant's package of the property. Tonight, we are going to make a motion to determine that it is an unlisted action and we are going to declare ourselves as lead agency. That means is that it will be the Town Board's responsibility initially to coordinate passing the information about the project to all the other agencies that will be involved. They will be given a 30-day window in which they can petition us to share the lead agency or become the lead agency. At that point, once we have the ok to go forward we refer it back to the Planning Board. Then they follow with the project manager to make sure the project meets the town code structure that was set up. After that, it will come back to the Town Board so a public hearing can be scheduled. Part of the project is mobile homes and the other is for single-family dwellings.

Ron Yormick: Do the residents of Deanna Drive have any say in this project as far as what is going on? Certain parts of this project, you are infringing on the parcel (inaudible) which is an R-2 zoning. He wants to rezone certain acres of that.

Councilman Boardway: At the appropriate time you will. This is the first step that we are mandated under NYS law to take. Any resident in the immediate area will be notified.

Supervisor Ballowe: When it goes to the Planning Board, they have input there also.

Town Attorney Kobiolka: The Planning Board does not have an open public session but they are very conscientious about the public comments.

Ron Yormick: This developer has at least four projects at this time. He has the Tim Horton's Project, the Creekfield Subdivision near Wildwood Drive project and now he wants to rezone agricultural land and put in a subdivision. What project takes preference?

Councilman Boardway: That has also brought concern to this Town Board. The project developer and his attorney were asked the same thing. I stated we wanted priorities on his projects and the status of each. I addressed the Town Board's concerns and advised that we are expecting progress on all three of these projects as they come up. Our approval of these projects is what he needs to put the rubber stamp on them. He did advise me that progress is being made on all three.

Ron Yormick: Being a resident of Deanna Drive, I would like to know what is going on with that parcel at all times.

Supervisor Ballowe: We can post things as they happen on our website to keep the residents updated.

Councilman Boardway: You do realize that there may be large gaps in time in which nothing is happening?

Ron Yormick: So everything is before the Town Board right now, not the Planning Board, is that correct?

Councilman Boardway: That is correct. We determined that this project needs an environmental review. We will be starting that process tonight.

Marianne Matyas: I have an unfiled petition of approximately 20 signatures to stop this rezoning. Will the public be kept informed about this project as it proceeds because we are unhappy about it? We have done some legwork and looked into how we can stop this rezoning. We have also looked into what other towns have as far as other developments go. I have been involved for 20 years trying to keep that parcel at least a parcel of single-family homes. We are saturated with mobile homes in Boston and many of them are empty and dilapidated. The green space is beautiful there. I would like to see more green space kept preserved and a lot of towns that adjoin Boston have done moratoriums to keep green space. That would be our first hope for this piece of property.

Councilman Genzel: You are welcome to look at the plans that we have. A large piece of that property is going to be considered for green space along the creek.

Marianne Matyas: It is not a large area really. Some of that area is protected as flood plains and even an Indian burial ground. We looked into all this when Mr. Falkides was going to develop that. I wish I would have pushed for a moratorium on mobile homes in this area just to keep it green. Our valley is starting to look like its being developed in the wrong way. Our percentage is almost double what most towns allow for this kind of development.

Councilman Genzel: The parcel adjoining is the single family residential.

Marianne Matyas: Yes, I am hoping to keep more of the total parcel green.

Supervisor Ballowe: We do concern ourselves with keeping green spaces as we concerned ourselves with going green and recycling electronics and trying to do everything we can as a Town Board to do our part. We look at every single project and scrutinize it very hard. We do not just rubber stamp anything. I walked that property and it is a beautiful piece of property. We definitely want smart development in the town. There are concerns from our Highway Superintendent about drainage.

Marianne Matyas: There will be traffic studies done and the DEC will come in? I appreciate your time and I am glad this will be put onto the website.

A motion was made by Councilman Genzel and seconded by Councilman Boardway to approve the Use of Facility Application for Boston Democratic Club for April 23, 2011.

five (5) Ayes Carried

A motion was made by Councilman Genzel and seconded by Councilman Wieckowski to approve the Use of Facility Application for Boy Scout Troop 491 for June 14, 2011.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Genzel to approve Recreation Director Clesse to attend the New York State Recreation and Parks Society annual conference in Veronia, NY on March 27-29, 2011 with all appropriate expenses to be paid.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Supervisor Ballowe to approve Eden Central School District bus transportation for summer day camp tennis and swim lessons, field trips and the Library programs. The projected amount is \$8,069.07.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Genzel upon the recommendation of the Planning Board and Town Engineer Hannon that the Town Board has classified the Zoning of 24.20 acres from R-A to R-4 and 1.74 Acres from R-2 to R-4 and Application for Mobile Home Court as an Unlisted Action under SEQR and therefore declare lead agency status.

five (5) Ayes Carried

Councilwoman Maghran noted that although she understands the Town Board is under legal obligation to take the next step, she noted that she is not in favor of another trailer park in the Town of Boston. She stated that she hopes that we end up with a very nice sub-division.

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran upon the recommendation of the Planning Board and Town Engineer Hannon that the Town Board act as Lead Agency and has been determined that after taking a long hard look into the zoning of 24.20 Acres from R-A to R-4 and 1.74 Acres from R-2 to R-4 and Application for Mobile Home Court find that the proposed action will require a coordinated review with other involved and interested agencies and that the Town Board notify all involved interested agencies of the Town Board's intent to assume lead agency status and transmit to those agencies and copy of part 1 of the EAF and a copy of any applications it has received regarding this proposal.

five (5) Ayes Carried

Deputy Town Clerk Mule☐ swore in the following members of the Ethics Committee: Bonita Bates, Erin Keding, Richard Holstein, Margaret Cook and John Solomon.

Deputy Town Clerk reminded those in attendance that Town and County Tax bills have been mailed and are due by March 15, 2011. The Town Clerk's Office will be open on Saturday, March 5th and 12th from 9 a.m. to 1 p.m., Friday, March 11th and Monday March 14th until 8 p.m., and Tuesday the 15th until 9 p.m.

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

Highway Superintendent Telaak noted that when his crew is not out snow plowing they are working on the ten wheeler. They painted the box and worked on all the brakes. Right now they are rebuilding both front fenders. The other ten-wheeler needed a complete rear brake job and tires. The box has been painted also.

Town Attorney Kobiolka noted that he has a meeting on March 8th with Town Engineer Hannon and John Alessi in regards to Water District #3, ext. #1. The Town Engineer is working on a Map, Plan, and Report, and will get some figures and financial reports from Bookkeeper Selby. The Planning Board has some questions with regards to the sub-division and the proposed

mobile home park and was hoping that Town Engineer Hannon could be available to the Planning Board for questions.

Councilman Wieckowski noted that he has met with one of the senior groups and hopes to meet with the other one soon. He met with Waste Management to discuss extending the contract.

Councilman Genzel noted that as Planning Board Liaison, the Planning Board has approved the checklist for development. He believes it will be a step forward to inspire and create new development. All new projects will be looked at with a magnifying glass. I have been a surveyor in this business for many years and have seen a lot of good quality projects.

Councilman Genzel as Drainage Liaison has been working with the DEC on some ongoing projects and is pushing forward.

Councilman Genzel as Engineer Liaison is in daily contact with Town Engineer Hannon to help bridge any gaps between the Town Board and the Town Engineer using his expertise to make quality decisions and save money. Last year we had an engineering bill of about \$30,000 compared to the previous year of almost \$100,000. Town Engineer Hannon has done an excellent job for us. We are working on an extension to Water District # 3 on Cole Road. We are also looking at installing the pipe on Shero Road to get those residents water.

Councilman Genzel as Christmas Lighting Liaison reported that all decorations have been taken down and some money was funneled to improve the electric poles. Next year we should see an even bigger improvement.

Councilman Boardway reported that one of this Town Board's primary concerns was the transparency of information. We want to see where the money is going. Working so closely with the fire companies we found that there are additional monies that the fire companies receive each year above and beyond the town contracts. One of those is called a Foreign Fire Insurance Premium. NYS Insurance Law mandates that any homeowners companies that are outside of NYS that want to write policies inside NYS donate two percent of their premium costs to the local municipalities. Last year, those monies amounted to \$21,343. Along with that comes the mandate that that money can only be used for the benefit of the firefighters. What we did this past year is take that money and disperse it evenly between the three fire companies. Last year, each Fire Company received \$7,111 in funding. The requirement is that this can only be used for the benefit of the fire fighters and we want to see where that money is actually being

spent. The Boston Fire Company expended approximately \$3,694 with a balance of \$5,257; North Boston approximately \$5,571 with a balance of \$9,271; and Patchin approximately \$4,676 with a balance in the Benevolent Association of \$53,120. Patchin Fire Company has a separate benevolent association set up, separate aside from the actual membership in the fire company. An independent president handles the benevolent association. The Fire Company donates to the families of their fellow firefighters that are falling on hard times.

Councilman Boardway as Liaison for the Volunteer Firefighter Service Award Program reported that after making some changes in our investment strategy had a balance of \$2,546,607. Since we made our investment strategy changes the balance has increased by \$52,916. Questions were raised as to whether or not we can invest pension funds. An opinion was rendered by the President of PENFLEX; Edward Holohan stating it is not illegal to take some investment risk with these funds.

Councilwoman Maghran stated that she has had the opportunity to work with new volunteers for the Boston Chamber of Commerce. Ray Lucas has helped her draft an informational letter that will be mailed to area businesses informing of an open house meeting at Cousin's on Wednesday, March 30 at 7 p.m. along with other information about the Chamber of Commerce.

Councilwoman Maghran noted that the Blood Drive will take place on Tuesday, March 8th. Summer Recreation staff employment applications have been sent out to past employees.

Councilwoman Maghran noted during a Hamburg District School Board meeting it was requested that all students that reside in the Town of Boston that are shipped to other schools within the Hamburg School District brought back to their home school of Boston Valley.

Ethics Chairman Bonnie Bates: Within the next couple weeks there will be a form online for which people can file a concern or complaint in writing. A concern must be submitted in written format either emails, fax or letter before it will be reviewed by the committee. Having an electronic submission of a complaint is fine and internal communications will then be documented by the Ethics Committee. The correspondence that comes to us must include the name of the complainant along with all contact information including name, address and telephone number, a detailed description of the ethical issue or situation, the name of individual(s) whose conduct was alleged to be unethical and any relevant dates or times. We then have a process for investigation. We will review all complaints and a letter acknowledging the receipt of the complaint will be sent within five business days. The Ethics Committee will then review the complaint received. If no applicable issue is found, a letter will be sent to the

complainant explaining our view within 30 days. If the committee chooses to investigate, the committee members who will investigate will be chosen by the Ethics Committee Chairman. The investigating Committee members will collect and review material gathered during the investigation and will write up their findings. Impressions and facts are both important and we will use a bullet point format rather than long narrative writing including a factual written synopsis. The investigators will provide a recommendation for the committee using that standard format. The committee will deliberate as a body and if no more research or information is required we will issue our finding in writing. If additional research or information is needed, the investigators will collect whatever additional information we need and summarize it. The Committee will then reconvenes, continue its deliberations and issue a written finding. The committee will notify the complainant and the subject of the complaint as well as others the committee deems appropriate. The Committee will then send a letter outlining our findings to the Boston Town Board and/or other appropriate authorities. As soon as we are up on the website, this description will be there as well. The next meeting will be on March 14th.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:24 p.m.

five (5) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK