

Town Board Minutes May 16, 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.

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to set the summer schedule as follows:

July 18 Wednesday 5:30 p.m. Agenda Review
7:30 p.m. Town Board

August 1 Wednesday 5:30 p.m. Agenda Review
7:30 p.m. Town Board

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilman Genzel to approve the minutes of the May 2, 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 2, 2012 in the amount of \$104,504.47 be paid.

five (5) Ayes Carried

Received and filed Proclamation for the New York State Town Clerks Association 30th Anniversary.

Received and filed Town of Colden Notice of Public Hearing.

Received and filed notice from Planning Board to cancel their May 22, 2012 Regular meeting and work session.

Received and filed a notice from Senator Charles Schumer announcing that the William Street Processing Facility will stay open another three years.

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to appoint Jennifer A. Mulé as Town Clerk, term to expire on December 31, 2012.

five (5) Ayes Carried

Judge Bender proceeded to swear in Jennifer A. Mulé as the Town Clerk for the Town of Boston.

Town Clerk Mulé thanked the Town Board for her appointment to Town Clerk and proceeded to appoint Elizabeth A. Martin as Deputy Town Clerk, FT, with term to expire December 31, 2012.

Judge Bender proceeded to swear in Elizabeth A. Martin as the Deputy Town Clerk for the Town of Boston.

Legislator John Mills: As a Town Board member in the Town of Orchard Park for 22 years, I can tell you that the backbone of town government is the town clerk's office, congratulations on your appointment. He noted that he has been a legislator for seven years that he is here tonight as a public servant. He has owned his own business as a food distributor for the past 36 years. He stated he represents the constituent to the county, not the county to the constituent.

Legislator Mills: I have been very aggressive as a legislator since 2006 protecting our parks, roads, and bridges and am working very closely with your town board to inform the residents that when they have an issue, to reach out and I will do my best to help. Your tax dollars actually falls into roads, bridges, culverts, police protection, and snowplowing. The taxes you pay are going to go directly into the services you deserve. I gave the areas that will be worked on to your Town Board members. I have 67 percent of the total oil chip roads in my district, so I will work hard to get you more than your fair share. As far as county financing, it will be tight. You want to keep taxes without increases. We are reaching out for more grants from the Federal and State Government. We are going to bring those tax dollars back to Erie County where they belong. For many years we missed the boat on Federal and State dollars. We are in the Ohio Water Shed and are one of the few counties in New York State that has been left out of the loop for funding. We sit on one of the biggest freshwater supplies in the world, Lake Erie. We are going to get your tax dollars back to you and get your streams, drainage, and erosion taken care of. This all plays into one big picture; it is not just the burden of Erie County and the Town of Boston. It is the burden of the State and Federal Governments to get that money back here. We are bringing County Government back to the people.

A motion was made by Councilman Vara and seconded by Councilman Boardway to approve the Use of Facility Application for the Conservation Advisory Council ? Environmental Awareness Day for September 22, 2012.

five (5) Ayes Carried

A motion was made by Councilman Vara and seconded by Councilman Murtha to approve the Use of Facility Application for the Boston Lions Club for August 3-5, 2012 for the annual rummage sale.

five (5) Ayes Carried

Town Clerk Mulé noted that the Lions Shelter is being used on August 3 until 8:30 p.m. and the Lion?s Club was informed that they cannot begin set up until after that time.

A motion was made by Councilman Vara and seconded by Councilman Genzel to approve the Use of Facility Application for Boston Youth Softball season use starting May 1, 2012 through August 1, 2012.

five (5) Ayes Carried

A motion was made by Councilman Vara and seconded by Councilman Genzel to approve the Use of Facility Application for Dan Endress picnic for June 10, 2012.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe on the recommendation of Recreation Director Clesse, to appoint the following to the Summer Recreation Program, terms to expire August 24, 2012:

Name	Position	Hourly Rate
Molly Brogan	Substitute Counselor	\$ 8.00
Cora Dobson	Substitute Counselor	\$ 8.00
Katelin Kleis	Substitute Counselor	\$ 8.00
Julie McCann	Substitute Counselor	\$ 8.00
Mary Tomani	Substitute Counselor	\$ 8.00

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to appoint Adam Reichert as a seasonal PT employee at a rate of \$9.00 per hour beginning Thursday, May 17, 2012.

five (5) Ayes Carried

A motion was made by Councilman Murtha and was seconded by Supervisor Ballowe upon the recommendation of Code Enforcement Officer Ferguson to approve the request for an additional accessory building from Anna Marie Frawley at 8639 Lower East Hill Road.

five (5) Ayes Carried

Councilman Boardway noted that the Boston Fire Company is requesting a refund on their Special Permit for Dumping of Material due to the fact that the Permit was never granted and specified work was never completed.

A motion was made by Councilman Boardway and was seconded by Councilman Murtha to approve the request for a Special Permit refund of \$150 due to the fact that the permit was not granted nor was the work completed.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway at the recommendation of Town Attorney Kobiolka to table the Proposed Brookfield Residential Project until we receive clearance from Town Engineer Hannon.

five (5) Ayes Carried

Supervisor Ballowe noted that he started working on the Highway Contract 9 months ago. It has been a long process and we have multiple meetings with the union representatives and highway employees. The contract was shortened from a four-year contract to a three-year contract. It reads the same as previous years; the employees will receive a three percent raise per year and in turn will forgo having the union be their representative for their health insurance. This was a huge cost savings to the town, after all raises, a stipend for work boots, and a step in vacation time. It originally went from five years to ten years. We added a ten-year step which entitled two men out of the seven to gain three days of additional vacation time after ten years of service. We also changed the health insurance to a hybrid plan. We took all town employees who received health Insurance and put them on the same plan. After the first year, the town will see a savings of about \$18,171. The second year we are forecasting about \$9,000 in savings. The cost of the insurance, the old way would have been well over 100,000 in insurance for seven employees.

Councilman Vara: What is the basic cost for this health insurance?

Supervisor Ballowe: \$69,400.

Councilman Vara: And there are no caps, and could go up maybe 11 percent next year and the following year.

Supervisor Ballowe: It is like any health care insurance that anyone pays, it can go up or it could stay the same. We do not know.

Councilman Vara: So present workers? pay no percentage. Almost everybody I talk to pays a certain percentage of his or her medical care.

Supervisor Ballowe: I do not know, I did not interview everyone in town, I interviewed seven employees who work for our town, who dig our ditches and keep our roads clean and do a great job. Typically in past years, no other Town Board has asked our employees to pay for their health insurance.

Councilman Vara: With the economic times most companies do.

Supervisor Ballowe: That is why we went to a hybrid plan, it is a cost savings right away.

Councilman Vara: I see teachers, firemen and a lot of organizations, government workers paying a percentage. So we are not going to start paying a percentage with our highway workers until they retire and hire new people, is that the premise on this?

Supervisor Ballowe: You were there for the contract negotiations, you read through the contract. The contract reads any new employees. It also reads that new employees will not receive longevity pay, which they have gotten for years. It puts in the same thing that was done with the previous administration and administrations before that.

Councilman Vara: I am just saying that society in general has changed.

Supervisor Ballowe: We all know that things have changed. Some people work for the state and federal government that may not pay a percentage and some will, depending on how their union negotiates.

Councilman Vara: I am paying \$1,100 a month for insurance.

Supervisor Ballowe: I am self-employed; I have been paying that all my life. We discussed all of this downstairs.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to approve the highway contract retroactive to January 1, 2012.

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

three (3) Ayes two (2) Nays Carried

Councilman Boardway: The various emergency services in town have a service award program, one that covers the three fire departments and a separate plan that covers the Boston Emergency Squad. Their points for three of these companies have been reviewed for last year. There is confusion regarding the approval of those points. What happens with these numbers? We go back to Penflex and give them all the numbers of the people who have made a sufficient number of calls in the prior calendar year and based on the parameters of the program have earned the requisite points to qualify for a year's worth of credit. As soon as they get these numbers, the companies begin immediately to start processing them. They have to decide who becomes duly qualified to actually start drawing a benefit this year.

Councilman Boardway Cont'd they have to decide on the contribution level for each individual member that is already vested and all of these things go towards what becomes the town's contribution this year. We make a substantial contribution to this plan every year. Last year it was \$190,000. That is a huge piece of our budget and we need to know these numbers as soon as possible. That is why it is imperative that as the companies get these plans to the board, we review and approve them and we pass them on.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to approve the Service Award points for the Boston Emergency Squad.

five (5) Ayes Carried

Councilman Boardway: We have three separate fire companies that are private, not-for-profit corporations. They all follow under the same plan with respect to the contribution from the town, but individually each one of these fire companies is responsible for their own record keeping. They are responsible for certifying the points to the Town Board and for the Town Board to review them. They are actually posted in the fire departments for 30 days for members to review and certify that their points have been added correctly. The corporate presidents of the fire companies verify these points with an affidavit and send them to the Town Board for review.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to approve the service award points for the Boston Fire Company.

Supervisor Ballowe Aye Councilman Boardway Aye

Councilman Genzel Nay Councilman Murtha Nay

Councilman Vara Nay

two (2) Ayes three (3) Nays motion defeated

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to approve the service award points for the North Boston Fire Company.

Supervisor Ballowe Aye Councilman Boardway Aye

Councilman Genzel Nay Councilman Murtha Nay

Councilman Vara Nay

two (2) Ayes three (3) Nays motion defeated

Janet Kurasz lives on what is called Powerline Drive, but the legal address is Boston Cross Road. The county and National Grid say that the Town of Boston owns the road, the Town of Boston says that National Grid owns it. She is confused. For the past seven years she has had major repairs done to five different vehicles because of the poor maintenance of this road. She was told by National Grid to fill the potholes. She Janet Kurasz Cont?d: has to take her garbage down to the end of the road because the garbage trucks do not come down it and Fire Trucks have difficulty going down it. She noted that National Grid did not give her the legal 30-day notice for their access to her property. They wanted to encroach 70 feet onto her property and pay her \$200.

Supervisor Ballowe noted that he and Highway Superintendent Telaak inspected this area of the road and is waiting for National Grid to return the call. He will ask them to repair the road. If he does not get a response, he will contact our state legislators.

Janet Kurasz also noted that the drainage on Boston Colden Road is terrible. During the winter months it causes a vast amount of ice buildup causing for dangerous driving conditions.

Supervisor Ballowe noted that Councilman Murtha will be in contact with her about the drainage.

Edward Kane, noted that the fire companies have a lot of issues with locating addresses on Powerline Road in emergencies. Allegany County, Rushford area received a grant to have metal address signs installed in front of every house.

Supervisor Ballowe noted there are not enough houses in our town that would warrant receiving a grant, but we can figure out something to remedy the situation.

Edward Kane noted that he enjoys being able to read the agenda packet that is listed on the town's website before the meetings, but asked if it could be kept in an archived folder for review. There are times that he cannot get to in time to read.

Town Clerk Mulé explained that the website only holds so much information. This packet takes up a lot of space and therefore has to be removed the next day to avoid problems with the website performance. She explained that a copy of this packet can be obtained from the Town Clerk's office at any time.

Town Clerk Mulé noted that right now the website is having issues because of the amount of information on it and has the webmaster working on cleaning it up to avoid any more problems.

Kathy Praczkajlo, President, Boston Historical Society noted that the open house was held and a new record was set for people that toured it on any one given day. She noted that the building is being refurbished and the new roof work has started. She invited everyone to stop by and see the many positive changes.

Ron Yormick asked why the Brookfield Residential Project keeps being tabled.

Town Attorney Kobiolka noted that the Town Board is waiting for information from the applicant's attorney, and Town Engineer Hannon needs that information in order to complete the actual development of the plan and the SEQR requirements.

Supervisor Ballowe noted that requests from the floor has been moved toward the end of the meeting so that the agenda items can be discussed first. By doing this it may answer questions that residents may have about a particular agenda item.

Supervisor Ballowe noted that during agenda reviews the Town Board discusses things that need to be done within the town and divides these projects among the Town Board members. He noted that Councilman Murtha was given bank erosion projects, such as behind the town hall, the Anthony Gulf and a new one the Pelc property. He will also work on the Eighteen Mile cleanup. Last year we did a cleanup from the NYS Thruway to Zimmerman Road. All the logjams were cleaned out and trees leaning at more than a 30-degree angle were cut down. The creek will be marked from Zimmerman Road and try to get to Homestead Road. Once he walks the creek and there is not a lot, he will decide to push toward Old Orchard, he will then meet with Town Engineer Hannon and start bidding that portion out. Eventually the project will continue right down to Mill Street and beyond.

Supervisor Ballowe noted that Councilman Genzel is working on the Soccer fields in North Boston and the town hall phone systems contracts.

Supervisor Ballowe note that Councilman Boardway is working with Ed Hoolihan and the Fire Departments to get the Audits completed.

Supervisor Ballowe noted that Councilman Vara is working on the resurfacing of the tennis courts and we are going to replace the basketball nets, grind out, and expand the black top, getting the solar compactors that were part of the last contract negotiations with Waste Management, working on the cable contracts.

Supervisor Ballowe noted that he is working on concrete projects that will include having a safety bollard installed in various spots where kids and parents stand during football games and other areas in town. He is also working on new roofing on the town hall building.

Received and filed monthly report from the Town Clerk, Assessor, Code Enforcement, and Dog Control.

Deputy Town Clerk Mulé noted that Monday, May 28 is Memorial Day and invited all residents to join. Parade begins at 1:45 p.m. and the service will follow right after at the Corporal David Finger Memorial.

Town Clerk Mulé noted that on the backside of the Memorial Day Flyer is information regarding Premises Identification and the importance of House identification.

Councilman Murtha noted that he is receiving at least one drainage call per week. He stated that it is astonishing to see the amount of property loss. He has calls out to Mark Gaston from Erie County Soil and Water. He noted that he is working with Legislator Mills on this issue.

Councilman Murtha noted that he voted no on the Highway contract because he thinks it is a time for concessions, wage freezes, and a time to make sacrifices and contributions toward health care.

Councilman Murtha noted that he objects to the placement of the floor requests. He thinks it makes more sense to have floor requests before decisions are made rather than after.

Councilman Genzel as Engineering Liaison noted that all the taps have been completed on the Water No. 3, Ext. No. 1 and they will be finishing the ground restorations and the contract should end at the end May.

Councilman Genzel noted that Supervisor Ballowe signed the contract with the boring company to drill some holes on the Mill Street, Boston Cross Road drainage relief project to find out what is underneath the road base.

Councilman Genzel noted that Town Engineer Hannon finished the required MS-4 application.

Councilman Genzel as Planning Board Liaison reported that the Planning Board worked on the Comprehensive Plan.

Councilman Genzel as Fair Housing, Affirmative Action Officer, pamphlets are available in the Town Clerk's office. Contact him with any questions or concerns.

Councilman Genzel as Boston Community Foundation Liaison, noted the Boston Town Band will be playing under the Lion's Shelter for the July 4 fireworks, and there will be some local groups with booths. The Fireworks display is funded totally on public donations and will not use taxpayer dollars. Donations can be directed to the Supervisor's office, in care of Fireworks Display. Bids are also being solicited for painting of the Lion's Shelter. New lighting will be installed and the brickwork will be redone.

Councilman Genzel noted that he is working with the Highway Superintendent Telaak regarding some plow damage to a Resident's property.

Councilman Genzel commented that the Conservation Advisory Council's Annual Fishing Derby had a great turnout and the kids had an excellent time.

Councilman Genzel noted that he and Supervisor Ballowe have been working on Richard Pelc's drainage problem on Boston State Road due to erosion. We received a grant through NRCS and USDA to help fix the erosion issue.

Councilman Boardway noted that Penflex is an ongoing issue and there will be an open meeting tomorrow night with Penflex representatives. They would like to meet with the President's and Chiefs of the Fire Companies. There will be a question and answer period. They have been asked to discuss the breakdown for the future.

Councilman Boardway Cont'd: There is a chance that this program can become unsustainable. We need to make some changes in this program to continue to make it viable into the future. This is open to the public.

Councilman Boardway noted that the early bird special for Summer Recreation is Friday, May 18 after which the price will go up \$25.

Councilman Boardway noted that the band list for the summer concert series has been finalized. There is still availability for sponsorship. Kid's day is scheduled for August 10 behind the Recreation Center.

Councilman Vara noted the Annual Fishing Derby had well over 100 participants, and complimented all the Conservation Advisory Council members for organizing another successful year.

Councilman Vara noted that he has been working with Time Warner Cable and the wires to the Emergency Squad are finally buried.

Councilman Vara noted that the Highway workers do a great job and does not have a problem with their pay increases, but thinks it is time, when everyone in the community is paying for healthcare that the Town of Boston starts in house.

Councilman Vara noted that Supervisor Ballowe had put him in charge of some things and stated that he has a problem because Councilman Boardway is the recreation liaison and does not want to step on his toes. He thought Councilman Boardway would want to be involved in the

basketball stuff because it is his umbrella. He stated that he was not good enough to do the job of Recreation Director and feels as though he is stepping on her toes.

Councilman Boardway noted that this actually falls under Parks.

Supervisor Ballowe noted that when the money is provided to do projects, as you can see I spend a lot of time with the people that are hired to do the job to make sure they understand what the job is.

Councilman Vara noted he just had some reservations but will do what is best for the Town of Boston.

A motion was made by Supervisor Ballowe and seconded by Councilman Genzel to adjourn the meeting at 8:49 p.m.

five (5) Ayes Carried

JENNIFER A. MULÉ, TOWN CLERK