

Town Board Minutes May 18, 2011

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

Also Present: Town Attorney Kobiolka.

Rev. James Laun, Churchill Memorial United Methodist Church opened the meeting with a prayer.

The following quotes were received for Drywall installation services at the new Recreation Center:

MJ Drywall Services \$4,100.00

Apollo Drywall \$4,913.33

Custom Finish Drywall \$4,401.00

A motion was made by Supervisor Ballowe and was seconded by Councilwoman Maghran to award the Drywall Installation Service to MJ Drywall Services at a cost of \$4,100.

five (5) Ayes Carried

Supervisor Ballowe instructed Deputy Town Clerk Mule' to advertise the position of Clerk PT for the Court Office.

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to schedule a Public Hearing for June 15, 2011 at 7:40 p.m. to hear comments regarding the granting of a franchise to Donald Rachwal, to mow, trim, and/or cultivate the vacant land owned by the Town of Boston at 8555 Boston State Road.

five (5) Ayes Carried

Councilman Wieckowski noted that the Town of Boston was able to extend the contract for Waste Management and managed to take it back to the 2006 pricing. This saves us approximately \$21 per household and over \$63,000 overall.

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to adopt the minutes of the May 04, 2011 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Wieckowski and seconded by Supervisor Ballowe, upon review by the Town Board, that fund bills on the Abstract dated May 12, 2011 in the amount of \$98,791.62 be paid.

five (5) Ayes Carried

Received and filed letter from the Boston Historical Society.

Sherri Pluta, President of the Boston Historical Society inquired as to why her letter was being filed.

Supervisor Ballowe explained that it has to be marked that we are filing it, but we also have to have a chance to review it and have a chance to go through the budget with her. He noted that he also had the chance to meet and review the Historical Society needs with John Schlenker and his numbers are different from what Sherri had submitted.

Sherri Pluta: John's job was to get a dialogue going and I continued it by putting it in writing. Also all the information on the expenses and the income from 2010 was submitted to you in September. I am not sure what more you need to look at to consider a contract with the Boston Historical Society.

Supervisor Ballowe: Because I have two different numbers, we have to sit down and review this. I have no problem meeting with you and John and bringing it back to the Town Board.

A motion was made by Councilman Wieckowski and was seconded by Councilman Boardway to authorize Deputy Supervisor Genzel to sign the contract extension with Waste Management.

Supervisor Ballowe Abstain Councilman Genzel Aye

Councilman Boardway Aye Councilwoman Maghran Aye

Councilman Wieckowski Aye

four (4) Ayes one (1) Abstain Carried

Kathy Praczkajlo inquired as to when the Town Board thinks they may come to a resolution regarding the Boston Historical Society contract.

Supervisor Ballowe noted that he will be scheduling a meeting with Sherri and anyone else that may be interested. He also stated that the reason for the delay is that the Town Board was trying to work with the Historical Society to see about building a new facility on town property and unfortunately research has shown that it is not possible. New York State will not allow it. We have to move onto our next step and figure out what we are going to do to move forward with the Historical Society help them with a new building and also financially. Parking is dangerous there and the current facility is deteriorating and they have outgrown it.

Councilwoman Maghran noted that the Town Board has been working on obtaining grants. This is not a forgotten subject.

Kathy Praczkajlo noted she wants to see the Historical Society remain in the community.

Supervisor Ballowe noted that there seems to be a renewed interest in it. Their fundraising went from \$300 to \$1,300. This type of facility has to have sponsorships.

Richard Helmbrecht noted that he was a board member of the Boston Historical Society. He joined because he wanted to help get it going again and hopes that the Town Board can help them out.

Supervisor Ballowe noted they are very interested in it. They would not have gone to all the lengths of trying to get them a facility that is safe for people and parking.

Richard Helmbrecht: In my travels I do speaking and go to Historical Societies throughout Erie County and Western New York. The Town of Tonawanda's Historical building is owned by the town.

Town Attorney Kobiolka noted that he would look into that possibility.

Councilman Boardway noted that the Historical Society is a separate non-profit organization and as such the Town of Boston is very limited in what we can use public monies for. Previously a lot of towns ran the Historical Societies but in recent years a lot of the towns have divested themselves from it. The research our attorney has been doing the last few months we have learned there are a lot of limitations on what we can actually do, building-wise, property-wise, land-wise. It is not as if a lot of people believe that we can lease them a piece of land for \$1. We cannot legally do that.

Supervisor Ballowe: The Town is not allowed to be a landlord. We have to keep moving forward and growing. No matter what, the artifacts inside the building are what matter.

Richard Helmbrecht reminded everyone that Flag Day is June 13 and will be sponsored by Boy Scout Troop 491 under the Lion's Shelter.

A motion was made by Councilman Genzel and seconded by Supervisor Ballowe to approve the Use of Facility Application for Community of Churches for July 24, 2011.

five (5) Ayes Carried

A motion was made by Councilman Genzel and seconded by Supervisor Ballowe to approve the Use of Facility Application for Boston Youth Softball for May 1, 2011 through August 1, 2011.

five (5) Ayes Carried

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

July 13 Wednesday 5:30 PM Agenda Review

7:30 PM Town Board

August 10 Wednesday 5:30 PM Agenda Review

7:30 PM Town Board

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Supervisor Ballowe to appoint Neil Byrne as a substitute counselor at \$8.00 per hour, term to expire August 24, 2011.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to accept the resignation of Mark Coppola as a Regular Member of the Planning Board effective immediately.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilwoman Maghran to appoint Robert Chelus as a Regular member of the Planning Board term to expire February 1, 2015.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilwoman Maghran to table the requests for Zoning Board Appointments.

five (5) Ayes Carried

Town Attorney Kobiolka noted that recently CVS had requested that two parcels be subdivided off the main parcel. The Planning Board has recommended amending the site plan by subdividing parcel 2.

A motion was made by Councilman Boardway and was seconded by Councilman Wieckowski upon the recommendation of the Planning Board to approved the CVS subdivision of Parcel 2 from the present site and it does not specifically affect Parcel 3.

five (5) Ayes Carried

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

Supervisor Ballowe noted that he, Highway Superintendent Telaak and representatives from Erie County were out looking at the flooding issues in the town. There is some buckling of roadways and a collapse of road on Back Creek. We are working with Erie County to do some reconstruction on that. Supervisor Ballowe noted that Highway Superintendent Telaak and his crews did a fantastic job during these storms and flooding. They were out for five hours trying to clear the culverts.

Supervisor Ballowe noted that he has been working with Legislator Dixon and Pat Baskerville from Erie County to try to get the ditches cleaned up .

Deputy Town Clerk Mule' reminded everyone that Memorial Day Services will be held on Monday, May 30th. Parade will begin at 1:45 p.m. from Faith United Church of Christ and will continue to the Corporal David Finger Memorial where additional services will be held.

Supervisor Ballowe noted that there is free fill and firewood available at the Highway Department. Forms are available online or at the Town Clerk's Office.

Councilman Wieckowski thanked Highway Superintendent Telaak for coming out and helping with the flooding issues on Boston State Road. He noted that Erie County Highway would not come out and service this flooding. There was a tree stump that plugged the culvert.

Councilman Wieckowski noted that the Waste Management Extension Agreement has reduced the price back to 2006 prices. The Think Green Rewards Program will start in July. Town of Boston Home Owners will be provided one complimentary Bagster. There will be a removal fee if used. This is similar to a dumpster but at a lower cost.

Councilman Genzel as Drainage Liaison noted that there has been an incredible amount of rain and water in the last week. He has visited several sites in town with drainage issues. He recommended that all Town of Boston Residents diligently work at keeping their ditches or drainage areas around their properties cleaned out. He noted that the Town Board is looking at all areas of funding.

Councilman Genzel as Planning Board Liaison noted that there was discussion about the Dollar General Site and the CVS subdivision. The Planning Board is also looking for new members.

Councilman Genzel as Engineer Liaison noted that Town Engineer Hannon is working on the new Water District on Cole Road and Drainage relief on Boston Cross Road. We are looking into installing a trash rack and diverting some of the water from one side of the road to the other to alleviate most of the water coming down the North Side of the road where most of the flooding occurs.

Councilman Genzel reiterated to Frank Rosiek that Town Engineer Hannon is working on a solution to this flooding problem.

Supervisor Ballowe noted that Engineering plans need to be drawn up first before water is diverted.

Councilman Genzel noted that he attended the Fishing Derby and congratulated the Conservation Advisory Council on a job well done.

Councilman Boardway stated that the flooding issue on Boston Cross Road is not something that is only talked about every other Wednesday. This Town Board converses on a daily basis. When Town Engineer Hannon is assigned a project, he is on it immediately. We are actively working on this problem. We are not leaving anything unturned.

Councilman Boardway noted that Penflex is our Service Award Program for the Fire Departments and noted that the paperwork from Patchin Fire Company has now been received as well as from the North Boston Fire Company. We did receive the paperwork from the Boston Fire Company, but there was an issue with signatures.

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to approve the service award program sponsorship list for the Patchin Volunteer Fire Company and the North Boston Fire Company. Councilman Boardway noted he would be contacting Boston Fire Company to rectify the error on their paperwork.

five (5) Ayes Carried

Councilman Boardway noted that the negotiations between Councilman Wieckowski and Waste Management went so well that the Town of Boston will benefit from that for the next four years. This was a tremendous job for a newly appointed councilman.

Councilman Boardway noted he attended a Boy Scout function and presented a proclamation on behalf of the town to Eagle Scout Amadori.

Councilman Boardway noted that the Fishing Derby was a great success. The Conservation Advisory Council is a renewed group and would like to become more involved with things in town.

Councilman Boardway Cont'd: There have been a few projects previously put on the back burner that will be renewed and they have asked to have the ability to have some input on the any kind of architectural or landscaping issues that may come up with the Dollar General Store.

Councilman Boardway noted that he received the quarterly report from Hanlon Investment Management for the period January 1, 2011 through March 31, 2011. Under the new management scheme we put into place, they saw 3.84 percent increases in our investments in the Service Award Plan. That amounts to an increase of \$95,295. The current balance in that portfolio as of March 31, 2011 is \$2,557,606.33.

Councilwoman Maghran received a Resolution from Legislator Dixon's office in regards to donation of equipment for the new Recreation Center between Erie County and the Town of Boston.

Councilwoman Maghran noted that on back of the Memorial Day Services Flyer is a reminder from the Department of Emergency Management in the Town of Boston to make sure all homeowners have address numbers clearly marked on their homes.

Councilwoman Maghran noted that last fall after the resignation of the Chamber of Commerce President, a group of nine business people from the Town of Boston volunteered to work as the new Chamber of Commerce of Boston. They were a combination of business people who were web designers, marketing representatives, radio advertisers and business owners who came up with some great new ideas. They wanted to do a lot of community Service projects and promote Boston and its businesses. After months of waiting for a transfer of records, books, bank accounts and mail and the poor support from the past members of the old Chamber board this volunteer group making up what was supposed to be the 2011 board have resigned and disbanded. My sincere gratitude to all of them for their efforts and time they invested. I also apologize to the community and the businesses that will not benefit from their efforts.

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

five (5) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK