

Town Board Minutes November 16, 2011

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

Also Present: Town Attorney Kobiolka and Highway Superintendent Telaak.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to refer the request for appointment to the Planning Board from Anthony Zeniuk to the Planning Board from review and recommendation.

five (5) Ayes Carried

Councilman Genzel: Several weeks ago we authorized Fairway Contracting to replace a water valve on Boston State Road. Erie County Water Authority has now asked us to do a night shut off, because Tim Horton's is on that line. There will be additional costs to the town for that process.

A motion was made by Councilman Genzel and was seconded by Councilman Wieckowski to authorize additional funding to Fairway Construction and Town Engineer Hannon for inspection services for Thursday, November 17, 2011, between approximately 11 p.m. and 3 a.m. for a total of \$1,132.50.

five (5) Ayes Carried

Councilman Wieckowski noted that he would notify North Boston Volunteer Fire Company and Dispatch of the shut-off.

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to approve the application for a DASNY grant from Grant Writer Miner in the amount of \$100,000

for the waterline construction on Cole Road and to authorize Supervisor Ballowe and Councilman Genzel to sign it.

five (5) Ayes Carried

Councilman Genzel noted that the Cole Road Waterline construction cost is \$171,000 including material and labor. We are receiving a \$100,000 grant for this project. So it is costing the residents in that district \$71,000.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to schedule a public hearing for December 21, 2011 for the purpose of hearing comments regarding the amendment of the Boston Town Code Chapter 16, Code of Ethics.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to adopt the minutes of the November 2, 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 November 10, 2011 in the amount of \$238,885.29 be paid.

five (5) Ayes Carried

Kathy Praczkajlo asked for a follow up on the loud boom that was heard a few weeks back.

Supervisor Ballowe noted that there he found no explanation and the State Troopers were also unaware of anything.

Ron Yormick inquired if there were any correspondences or any other proposals for the Deanna Drive property or the property adjacent to Deanna Drive?

Supervisor Ballowe noted that Dana Darling is finishing with his engineer and hopes to be before the Town Board with his plan by the next regular Town Board meeting.

Judy Rados reported a street light out on Homestead Road near Endress Road.

Supervisor Ballowe noted that Councilwoman Maghran is in charge of street lighting, but any streetlights that are out can be reported to the Town Clerk's Office.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to approve the Use of Facility Application for North Boston Volunteer Fire Company for July 8, 2012 for the 50 Grand Gala with set up on July 5 & 6 from 6 p.m. to 9 p.m. and July 7 from 9 a.m. to 3 p.m.

five (5) Ayes Carried

A motion was made by Councilman Wieckowski and seconded by Supervisor Ballowe to schedule a Public Hearing to consider the renewal of the Ambulance Service Contract for December 7, 2011 at 7:40 p.m.

five (5) Ayes Carried

RESOLUTION 2011-19 ESTABLISHING LATERAL RESTRICTIONS ON FUTURE SERVICE FOR WATER DISTRICT NO. 3, EXT. NO. 1

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to accept the USDA 2010 OMB Circular A-133 Audit Report.

five (5) Ayes Carried

The following bids were received for Water District No. 3, Ext. No. 1 project:

Fairway Contracting \$171,490.02
E&R General Construction \$187,566.00
Mar-Wal Construction Co. \$195,131.06
New Frontier Excavating & Paving \$195,723.00
Millherst Construction, Inc. \$218,857.11
C. Destro Development \$249,000.00
J. D. Northrup Construction, Inc. \$256,452.00
Visone Construction, Inc. \$268,913.00
Occhino Corp. \$296,966.00

A motion was made by Councilman Genzel and was seconded by Supervisor Ballowe upon the recommendation of Town Engineer Hannon to award bid for Water District #3, Ext. No.1 Project to Fairway Contracting at a cost of \$171,490.02.

five (5) Ayes Carried

Supervisor Ballowe reported that he had instructed Code Enforcement Officer Ferguson to send out a letter to Mr. Leggett of 7580 Zimmerman Road regarding the trailer parked in his driveway. The trailer should be removed by the end of November.

Supervisor Ballowe noted he received a letter from Susan Braen from Butternut Road regarding the continuation of dumping on the corner of Butternut and Homestead. Signs have been put up. The State Troopers will help patrol the area.

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

Supervisor Ballowe requested approval from the Town Board to purchase new Christmas lighting that needs to be updated. He wants to update the Boston Sharing Tree, lighting and wreath outside.

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to give Supervisor Ballowe permission to purchase replacement Christmas decorations not to exceed \$600.

five (5) Ayes Carried

Supervisor Ballowe noted that the town's parks have been cleaned up and are now closed for the season.

Deputy Town Clerk Mule' noted that Town Clerk Shenk is home from Afghanistan. He is having a homecoming party Sunday, November 20 from 2-6 pm at the Patchin Fire Hall.

Deputy Town Clerk Mule' noted that The Sharing Tree will be up by Monday. We have 18 children this year, each will have three ornaments. All are encouraged to stop by and take an ornament and purchase a gift for a child.

Highway Superintendent Telaak noted that the Park's employees have been working on Christmas decorations, checking bulbs. The decorations should be up next week on Boston State Road.

Leaf pickup is going well and is about 95% complete. The Highway Department should be around the town one more time until the snow flies.

Highway Superintendent Telaak received a phone call about the path that goes back to the Eighteen Mile Creek where the DEC releases the fish for trout season in the spring. There was concern that the path was not opened up enough. Given a few days' notice; he will make sure the path is open to the creek for them.

Highway Superintendent Telaak noted that all the plow trucks are ready to go except the one out picking up leaves. Once that is done, the truck will be converted to the plow. He also noted that comments were made that the Erie County District Attorney controls overtime in the Highway Department, he stressed that this is not a true statement.

Town Attorney Kobiolka reported that for the last couple of weeks he has been working with Councilman Wieckowski on the Ambulance contract. He also noted that he has been working with Town Engineer Hannon on the Resolution for Water District 3.

Town Attorney Kobiolka noted that with Town Clerk Shenk returning home, he thanked Deputy Clerk Mule?V for all of her help and assistance and making the transition smooth for the Town Board and himself.

Councilman Wieckowski noted that last Saturday night he attended the Make-A-Wish Foundation Fundraiser at the Boston Fire Hall organized by fireman, Patrick Penrod. This was Boston Fire Companies first time sponsoring this event and was quite surprised at their success of raising over \$5,200.

Councilman Wieckowski, under Emergency Management, noted that the Town of Boston is one of eleven communities in Erie County that has completed their part in a Multi-Jurisdiction Multi-Hazard Plan. This plan was due in October.

Councilman Genzel as Engineering Liaison noted that with the Resolution for Lateral Restrictions for Water District No. 3, Ext. No., we are looking forward to December construction.

Councilman Genzel noted that he attended the Empire Energy Forum on Hydraulic Fracturing of Natural Gas, which is a hot topic in town. He learned that New York State Laws supersedes all town laws. Therefore, he does not foresee a law being passed by the town board banning fracking. It would be opening the town up to huge liability. Residents can find out more information on Fracking by logging into you tube.com and searching encana which shows the process in layman's terms. Also, The Shale Gas Environmental Impact Statement is on the DEC website, which we will have linked to the Town of Boston website. New York State is the most regulated state in the country. All the scare tactics floating around come from Pennsylvania where the regulations are quite weak. They have had some problems with the fracking process there. We hope that New York State will not follow because we are well regulated.

Councilman Genzel as Planning Liaison, noted there was no meeting last week due to the election and thanked Tony Zeniuk for applying to the Planning Board as a regular member. We are always looking for new members.

Councilman Genzel as Drainage Liaison reported that Mark Gaston of Erie County Soil and Water has informed us that we have money for two new drainage projects in town, that consist of a bank stabilization and erosion control on the Anthony Gulf. We also have money for behind the Town Hall. The Anthony Gulf Project will be from the Patchin Fire Company west. Patchin has opted not to apply the money towards the projects, so there will not be any work done behind the Patchin Fire Company.

Councilman Genzel noted he received an email from Ray Wirth of 9300 Back Creek Road regarding a major logjam behind his house that is backing up quite a bit of water. He called Larry from Eastwood Industries for an emergency quote on cutting up the jam and getting it relieved.

Councilman Genzel noted that Eastwood Industries has begun the Valley View Stream Bank Erosion Project. He received a call from town resident, Mark Janker concerning this project and informed him exactly what they are doing. On November 3rd, Grant Writer, Connie Miner attended the Community Block Grant Interview. That is for drainage on the Mill Road/ Boston Cross Road Project to relieve some of the drainage coming off the hill.

Councilman Genzel as Christmas Lighting Liaison reported that they have so far received donations in the amount of \$475 and thanked the Boston Lions Club, Rucker Lumber, Pat White Construction, Capital Market Advisors, Miranda Holdings, a part of Emerling Chevrolet, Boston Valley Terra Cotta, Nick Charlap's Ice Cream, Bennett, Defilippo and Kurzhaltz, LLP and the Boston Hill Nursery for their donations.

Councilman Genzel noted that he, Highway Superintendent Telaak and Supervisor Ballowe looked at a drainage problem in the Wellington Subdivision on Pinecrest Terrace where all new sewers were put in. Heavy water flow into a resident's front yard was relieved with a French drain into the 18 Mile Creek. During the rain/tornado storm on Monday there was a plug-up in the drainage at 6698 Liebler Road. This is off road drainage on private property.

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to authorize Highway Superintendent Telaak and the Highway Department to clean the drainage

structure in the area of 6698 Liebler Road after receipt of the temporary easement to be funded from the Drainage Fund.

five (5) Ayes Carried

Councilman Boardway reported that he has spent a lot of time on Penflex, which is the administrator of our current Service Award Program for the volunteers in the town. We are in the process of getting the final audit reports in that they performed on the three fire companies. On his initial review, he had received all the documentation from two of the companies. He reported no glaring problems. Councilman Boardway stated that in what we are coming up against now is that this program is becoming unsustainable. We need to take a serious hard look at this program. To keep it in perspective, they are requesting a contribution this year from us of almost \$330,000. That is just this year's contribution. We cannot predict the future but we do know that number is going to become an unsustainable number very quickly. Anyone that followed the general elections locally in the past 2 weeks would have seen our neighboring Town of Sardinia actually get a public referendum which is how we have to modify these programs. They discontinued the Service Award Program that they currently had in place in that town. It was a vote by the public. Along with that they instituted a new, more cost controlled program. So what is hopefully going to happen in the next 2-3 weeks, and get the ball rolling into next year is, of course, any Public Referendum takes time to set up.

Councilman Boardway will be meeting with the presidents and representatives from the three fire companies. Representatives from Penflex will be in to look at the numbers. Again, they know, from the budget process, what they need to do in town. The number is going to continually grow. The contributions are again, unsustainable with our tax base.

Councilman Boardway noted that a lot of the information Councilman Genzel obtained about Hydrofracking is very informative and important for the town residents to hear.

Councilman Boardway will be passing along the information on Hydrofracking on to the Conservation Advisory Council. They are also very interested in this, and have offered to take a lead as far as research in that particular field. The information Councilman Genzel brought back confirmed what the Board already knew. Thank you to Councilman Wieckowski and Sean Crotty, our Emergency Managers in town for completing the large amount of paperwork to join

this multi-hazard program. What this means is that the Town of Boston is eligible for grant money that the other 65 towns in Erie County will not be if they do not get this paperwork done.

Councilwoman Maghran noted that she heard from the County regarding the Town's request for speed limits on Keller Road and Lower East Hill Road and without a traffic study the speed limit would be set at 55 mph. The residents on these roads do not want 55 mph but a lower speed limit. Councilwoman Maghran noted that she requested that the speed limit study be set up for the spring.

Councilwoman Maghran noted that the traffic lights out on Boston Cross Road have been fixed. Friday night Recreation starts at Boston Valley School on December 2nd. It is a free program for two different age groups of students. Information went home with all the kids. Councilwoman Maghran invited everyone to the 19th Annual Town of Boston Christmas Concert performed by the Boston Town Band on Sunday, December 11, 2011, 2:30 p.m. at Boston Valley Elementary School. Thank you to our great Boston Town Band and look forward to a wonderful concert.

Councilwoman Maghran noted that the Sharing Tree is successful because of the many people who support this cause. It is definitely a community project.

Councilwoman Maghran: The voters and taxpayers of Erie County have spoken and have voted in Mark Poloncarz as our new County Executive. He is aware of the skyrocketing costs incurred by the towns regarding maintenance of the different fire services in these towns.

A motion was made by Councilwoman Maghran and seconded by Councilman Boardway to follow the recommendations listed on page 15 of Mark Poloncarz's report referred to as : Review of Fire Protection within Erie County ; from June 2010.

five (5) Ayes Carried

Councilwoman Maghran noted that she has a copy and it is available on line. Furthermore, she recommended the Town Board set aside money in the amount of \$10,000 - \$20,000 to hire an outside consulting firm to review the fire services and compile a study.

Councilwoman Maghran Cont - d: With this review, our fire protection services would have an analysis that could potentially lead to considerable savings, it would help allocate valuable volunteer time more efficiently, and it would seek out agreements with adjacent district mutual aid, all the while continuing a high tradition of professionalism and public safety as our number one priority.

Councilman Boardway noted that he has already been in contact with a representative from the International City and County Management Association. They are essentially a non-profit professional organization that provides these studies. You would be familiar with them locally; they are the ones who performed the study on downsizing or consolidation in the Orchard Park Police Department. They are very capable of performing this study.

A motion was made by Supervisor Ballowe and seconded by Councilman Wieckowski to adjourn the meeting at 8:09 p.m.

five (5) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK