

Town Board Minutes November 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 Highway Superintendent Telaak.

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

A motion was made by Councilman Genzel and was seconded by Councilwoman Maghran to authorize Supervisor Ballowe to enter into an agreement with USDA Natural Resources Conservative Resources to complete the Bank Stabilization Erosion Projects in the Town of Boston.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to authorize Town Attorney Kobiolka to sign the Assurances relating to real property and Town Attorney Opinion letters.

five (5) Ayes Carried

Town Attorney Kobiolka noted that these are verifications that the Town of Boston does have the rights for the property and that the Federal Government can do the work.

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to accept the minutes of the November 3, 2010 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Supervisor Ballowe, upon review by the Town Board, that fund bills on the Abstract dated November 12, 2010 in the amount of \$86,220.51 be paid.

five (5) Ayes Carried

Ray Lucas, President Boston Chamber of Commerce, noted that on December 18th the Chamber will be sponsoring Cookies with Santa at the North Boston Market. The Annual Light Up Your House contest will run from December 19th through the 24th. He also noted he will be resigning as President as of December 31, 2010.

John Whitney, District Conservationist, Natural Resources Conservation Services: Now that the Project agreement will be signed those projects should be under construction starting in December weather permitting. We expect that the site showing will be December 3rd and the bid opening December 13th. If the projects can be substantially completed by the end of December, Mark Gaston, Erie County Soil and Water has informed me that there is \$21,000 in a state grant that can be directed toward your local match. It is our goal to access those funds.

Supervisor Ballowe asked if the bids are awarded on December 13th will there be a timeframe to have the jobs complete.

John Whitney: There will be a ten to fifteen day construction completion period. Part of the delay was trying to obtain the land rights set for these four projects and one of them came in late.

John Whitney left brochures on the Emergency Watershed Protection Program for the public.

A motion was made by Councilman Boardway and was seconded by Councilman Pluta upon the recommendation of the Planning Board to approve the request for construction of a Duplex at 7036 Brown Hill Road.

Councilman Genzel ABSTAIN

Councilwoman Maghran AYE

Councilman Boardway AYE

Councilman Pluta AYE

Supervisor Ballowe AYE

four (4) Ayes one (1) Abstain Carried

Councilman Genzel noted that he abstained from the vote due to the fact that he was the surveyor for this project

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to appoint Neil Byrne as a member in training 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 Councilwoman Maghran to appoint Robert S. Chelus to the Board of Assessment Review term to expire 09/30/2015.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and seconded by Councilwoman Maghran to approve the request for an additional night of Live Entertainment on Wednesday, November 24, 2010 starting at 8 p.m. and ceasing on Thursday, November 25, 2010 at 12 a.m. to Couzins, 7115 Boston State Road.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to schedule a Public Hearing for December 15, 2010 at 7:40 p.m. to consider the renewal of the Ambulance Service Contract.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and seconded by Councilwoman Maghran to schedule a Public Hearing for December 15, 2010 at 7:45 p.m. to consider the renewal of the Fire Protection Contracts with North Boston Volunteer Fire Company, Inc., Patchin Fire Company, Inc., and Boston Fire Company, Inc.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to schedule a Public Hearing for December 15, 2010 at 7:50 p.m. to consider the renewal of the Preservation of Historical Places and Objects Contract.

Councilman Genzel NAY

Councilwoman Maghran AYE

Councilman Boardway NAY

Councilman Pluta AYE

Supervisor Ballowe AYE

three (3) Ayes two (2) Nay Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Pluta to table awarding the bid for the demolition of 9378 Boston State Road until December 1st in order to obtain references and review the bids.

five (5) Ayes Carried

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

Supervisor Ballowe thanked Legislator Dixon for her help in getting the ditches cleaned on Zimmerman Road and the installation of drainage pipes.

Supervisor Ballowe noted that the Christmas Lighting Committee has been working on replacing bulbs and fixing the lights and installation of the decorations should begin soon.

Deputy Town Clerk Mule?V noted that Boston Sharing Tree will be up in the front foyer by next Wednesday.

Highway Superintendent Telaak noted that leaf pick up will continue until the snow falls.

Councilman Pluta noted that starting In January all the Conservation Advisory Council Meetings will start at 7:45 p.m. and the December meeting has been cancelled.

Councilman Genzel as Drainage Liaison met with Engineer Hannon and discussed four off road drainage projects. National Grid has proposed some changes to culverts on Power Line Road which could significantly impact the Valley. He and Engineer Hannon will be meeting with National Grid representatives on Thursday at 1 p.m. to discuss this. He noted that he is opposed to these changes because of the negative impact it will have on drainage.

Councilman Genzel noted that Town Engineer Hannon has put together an RFP for cutting trees along Eighteen Mile Creek. It is about 4,500 feet between Zimmerman Road and Route 219. We want logjams cut up and any trees leaning over 30 degrees on the bank will be cut leaving a four-foot stump to prevent erosion.

Councilman Genzel stated that the town has secured \$236,000 for the Bank Stabilization Erosion Projects. John Whitney has done an excellent job for the Town of Boston.

Councilman Genzel as Engineering Liaison met with the Water #3 District representatives on Monday to close the project by December 31st and save \$800,000 in interest. Town Engineer Hannon was authorized to discuss water line extensions on Cole and Shero Roads. There will be no design until Erie County Water Authority has given us the ok.

Councilman Genzel noted that the Omphalius Road project is complete and thanked Erie County Executive Collins and Legislator Dixon for their help in securing funding.

Councilman Genzel thanked the various businesses in town who donated a combined total of \$425 to the Christmas Lighting fund.

Councilman Boardway noted that a contract offer has been passed on to the three Fire Companies. In response to the offer, he and Supervisor Ballowe met with Representatives of all three companies on Monday. It was very productive. A counter offer is being made to the companies that are more in line with what they are requesting.

Councilman Boardway mentioned to Patchin President Rich Hawkins that a public hearing could not be scheduled for December 1st because of legal notice time frames.

Supervisor Ballowe noted that his office will notify the other Fire Companies of that change.

Councilman Boardway thanked the local first responders in our town for helping in the search and rescue mission for the lost gentleman in Alleghany State Park.

Councilwoman Maghran noted that Barbara Moore would like to put together a tribute to Boston Residents presently serving in the Armed Forces. This would consist of a picture display board and a book containing some biographies. Anyone who knows of or has a family member serving please contact Barbara Moore via E-mail at allscrabbleallthetime@roadrunner.com

Councilwoman Maghran noted that Friday Night Recreation will be closed on Friday, November 26th due to the Thanksgiving Holiday.

Councilwoman Maghran noted there will be a meeting for the Chamber of Commerce on Thursday at the Boston Valley Elementary School. All those interested are invited to attend.

Councilwoman Maghran noted that she has had several residents express their concern of the state's financial crisis and how it will affect their jobs and businesses. Councilwoman Maghran stated that the Town Board is asking every town employee to make cuts and be careful with their spending.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:03 p.m.

five (5) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK