

Town Board Minutes November 7, 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 and Highway Superintendent Telaak.

A moment of silence was held for town resident, James R. Carr, who passed away on November 1st.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to appoint Marie Kreuder, Supervisor's Assistant, PT at a rate of \$13.00 per hour retroactive to October 22, 2012.

five (5) Ayes Carried

Supervisor Ballowe instructed Town Clerk Mulé to advertise for the position of Recreation Director beginning January 1, 2012.

A motion was made by Councilman Boardway and seconded by Councilman Genzel to approve the minutes of the October 17, 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 November 1, 2012 in the amount of \$108,949.74 be paid.

five (5) Ayes Carried

Received and filed correspondence from Dolores Schlee regarding the Federal Government and the Clean Water Act.

At 7:40 p.m. a Public Hearing was held to hear comments regarding the 2013 Preliminary Budget.

Supervisor Ballowe read the legal notice.

There were no public comments.

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to close the public hearing at 7:42 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to adopt the 2013 Town of Boston Budget as follows:

Appropriated

Appropriations Est. Revenues Fund Balance Raised by Taxation

General	1,735,772	1,299,050	250,000	186,722
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Highway	1,193,217	442,204	22,000	729,013
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Fire	774,663	0	50,000	724,663
Light	20,000	0	20,000	
Ambulance	99,109	12,000	7,109	80,000
Refuse/Garbage	552,000	0	0	522,000
Water #1	79,909	0	79,909	
Water #2	54,629	0	54,629	
Water #1, Ext.1	6,422	0	0	6,422
Water #2, Ext. 2	34,331	0	0	34,331
Water #3	254,660	0	0	254,660
Water #1, Ext. 1	11,149	0	0	11,149
Totals	\$4,815,861	\$1,753,254	\$329,109	\$2,733,498

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Genzel to approve the following 2013 schedule of salaries for the elected Town Officials:

Supervisor \$22,640

(4) Councilman \$ 7,770

Town Clerk \$43,515

(2) Town Justices \$15,656

Superintendent of Highways \$54,545

Supervisor Ballowe Aye Councilman Boardway Aye

Councilman Genzel Aye Councilman Murtha Nay

Councilman Vara Nay

three (3) Ayes (2) nay Carried

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to close the public hearing at 7:42 p.m.

five (5) Ayes Carried

A discussion ensued between the town board members regarding the reasons for their vote and the attendance of budget meetings by each member.

At 7:59 p.m. a Public Hearing was held to consider the application from Sharco, Ent., Inc., for the Special Permit application for a propane tank installation at 6752 Mill Street.

Councilman Boardway read the legal notice.

Councilman Boardway opened the floor to the public.

Councilman Genzel noted that he and the Planning Board would like to see bollard's installed completely around the tank. He understands that the lock box on this tank is security but the Planning Board did suggest a chain link fence around it to deter any person from wanting to tinker with it.

Councilman Genzel's additional concern is that the site does not match the site plan. There are cars parked where this tank is going to be placed and empty fuel tanks alongside of the building need to be removed.

Kerry Fitzgerald, Norco Propane, North Collins, NY noted that when he attended the Planning Board meeting none of these concerns were stated in the motion.

Councilman Genzel noted that these were concerns voiced by the Planning Board. It is the safety of the public they are concerned about.

Kerry Fitzgerald: The bollards are not a problem putting around there. There is a ridge on the other side of the tank, and a step up in the grade and I don't feel that there is going to be a car that gets in there. We are looking at approaching the fact of having a plane crash on the thing and trying to protect it. We are going a little bit too far. I have bollards all the way around the traffic sides of the installation. The Planning Board who makes the decisions through all this, that was not in the motion.

Councilman Genzel: The Planning Board recommended this to the Town Board and it was discussed. It would be two bollards that we are adding to the backside, right?

Kerry Fitzgerald: Yes, possibly.

Councilman Genzel: And a chain link fence around it?

Sharon Clark: On the East side where this is going to go, is a concrete pad that was left by the Boston Hotel, there is no way that anyone could get passed this pad to hit this tank. It's completely enclosed. Between that and the berm that is between our two properties, there is no way?

Councilman Murtha: How high is the berm?

Sharon Clark: It is taller than I am.

Councilman Genzel: Would it be taller than the tank.

Sharon Clark: Absolutely.

Councilman Genzel: So a car could come off the top of that and land on it.

Supervisor Ballowe: We had a dump truck come down Liebler Road, come through the lot, shatter a telephone pole into a million pieces and end up by the back ponds. Our concerns

when that happened was thank God summer recreation was not in session. In addition to all the accidents that have been taking place within our town.

Sharon Clark: The concrete (the old foundation from the Boston Hotel) is higher than the bollards would be.

Kerry Fitzgerald: We discussed that at the Planning Board meeting and they said that if someone builds on the lot and the concrete pad goes away. The reason we said we would put bollards in at that point if that opened it up.

Councilman Genzel: My concern is the ten feet between the tank and the property line and how you are going to prevent a car to come in between that ten feet and the property line.

Supervisor Ballowe: Having a bollard that is set to block that ten feet is our concern.

Sharon Clark: It certainly can be.

Supervisor Ballowe: We are not talking about a vending machine. We have a big propane tank there.

Kerry Fitzgerald: The purpose of the bollards is to keep vehicles from hitting the tank. If a car goes between the last bollard and the edge of the tank and the berm they are not going to hit the tank, they will drive by the side of it. You do not see the other gas stations in town surrounded by bollards; they are only on either end of the islands.

Kerry Fitzgerald Cont'd: You can take and hit those gas pumps? If you do not come in the only way you are supposed to if you come in off the street? You are going to take those gas pumps off.

Supervisor Ballowe: We are just making sure this is safe. If you have bollards in and it is blocking that spot, than I am ok with it.

Councilman Genzel: I suggest putting the bollards and the fence around it and clean up the site to match the site plan.

Kerry Fitzgerald: We will put another bollard in and block it off. As far as the fence is concerned the end of the hose is supposed to be locked according to the building code. That is the security of the system. That is all the building code addresses. When the other tank was there in Patchin, he did not keep anything locked up, so the fence was put around it for security, and I think for the most part it was never locked anyway. We will have a cabinet on the end of it that has a meter in it. The hose is inside of it, when you close the door and lock it, no one can get the propane out of it.

Supervisor Ballowe: They cannot mess with anything behind the box, there are no other valves? We had a lot of issues in the parks with kids starting things on fire. Is there any way for anyone to play with those valves? So once that box is locked, no one can turn it on any way other than inside that box?

Kerry Fitzgerald: The power will be turned off inside the building. The end of the hose that is exposed that would open and close that would discharge propane is in a locked position. The entire hose will be inside, so we do not even have a hose that could be cut. It does not look like much, but a chain link fence is very expensive.

A motion was made by Councilman Boardway and was seconded by Councilman Murtha to close the public hearing at 8:13 p.m.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to approve the special permit application from Sharco Ent., Inc. for a Special Permit for a propane tank installation at 6753 Mill Street with the conditions that one additional bollard be placed behind the tank and that the building inspector verify that the property conforms to the site plan as submitted by the applicant.

five (5) Ayes Carried

Kerry Fitzgerald noted that the Town Board had already approved the permit.

Councilman Boardway noted that it was rescinded at the following meeting so that it could be returned to the Planning Board for review and recommendation. The initial special permit presented to the board appeared to essentially be a temporary permit that would have to be renewed. The request was for in fact a permanent special permit. Because that was the case, it had to go back to the Planning Board.

Kerry Fitzgerald noted that the applicant was not notified of this and asked that in the future we look to refine the process of notifying applicants so they can be prepared. He noted that this is the only town that requires all this. He said he can go to the Town of Hamburg, pay \$10 to get a fire prevention permit and have one of these put in the next day as long as the zoning is all right.

Councilman Genzel: That is where a special use permit, because your zoning does not permit that.

Kerry Fitzgerald: Than why didn't we go through the Zoning Board.

Councilman Genzel: It has to be renewed every year also. I am not a fan of Special Use permits because if the board changes you may not get approved in the future.

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to approve the request for a second accessory building to David Lutz, 5151 Belcher Road

five (5) Ayes Carried

Barbara Moore resident and chairwoman of the committee to host the 2nd annual fall fundraiser to benefit Boston's four first responder companies thanked all those people and businesses that donated, supported and let these first responders know our appreciation for what they do 7 days a week, 365 days every year.

A motion was made by Councilman Genzel and was seconded by Councilman Murtha upon the recommendation of Code Enforcement Officer Ferguson to approve the Second Accessory application of Kenneth Taylor, 9665 Lango Road.

five (5) Ayes Carried

A motion was made by Councilman Vara and was seconded by Councilman Murtha to accept the resignation letter from Joyce Jensen as PT Assistant Nutrition Director effective December 31, 2012.

five (5) Ayes Carried

Town Attorney Kobiolka noted that the Department of Agriculture and Markets would like to see the payments go directly to the kennel instead of the town and the impoundment fees be changed from \$20 to \$15.

A motion was made by Supervisor Ballowe and was seconded by Councilman Vara to authorize Supervisor Ballowe to sign the revised Dog Shelter Lease Agreement.

five (5) Ayes Carried

Supervisor Ballowe noted that he has been working with former Patchin Fire Chief Mike Durusky on their Departments Service Award Points and believes that all items have been finalized.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to approve the Patchin Fire Company's Service award points for 2011.

five (5) Ayes Carried

Received and filed monthly reports from the Assessor.

Town Clerk Mulé thanked the residents of the Town of Boston for electing her into the position of Town Clerk.

Highway Superintendent Telaak reported that leaf collection continues until it snows. He asked that residents do not mix brush and leave as it plugs the machine. The Mill Street Drainage project is coming along and it should be repaved before winter. There is still wood, leaves and fill available at the highway department.

Highway Superintendent Telaak noted that the walkway needs to be paved before winter and has solicited three quotes. The town will purchase the black top and the contractor will supply the trucks.

Louis Del Prince & Sons \$9,600 Mike Lina Paving, Inc. \$7,775 Gauthier Blacktop \$7,685

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to award the walking path blacktop project to Gauthier Blacktop at a rate of \$7,685 with the condition that the job can be completed this fall.

five (5) Ayes Carried

Councilman Murtha reported that the Hillcroft cleanup is complete. He continues to look into the flooding issues behind Georges restaurant and also a tree problem on Eckhardt Road near Taylor Road.

Supervisor Ballowe noted that he believes that tree is on private property.

Councilman Genzel reported that the Keller Road Water line support repair design is 90 percent complete. After hearing comments from Tom Wick, Erie County Water Authority the job will be put out to bid. The Mill Street Water line is moving along. He noted that \$35,000 was budgeted for Engineering for 2012 and YTD we are at \$12,390. Planning Board meeting was cancelled due to lack of agenda. Zoning Board of Appeals approved the variance for Deanna Drive Subdivision.

Councilman Genzel as Christmas Lighting Liaison noted that this year's lighting campaign is underway.

Councilman Genzel noted that anyone in need of financial assistance for rent, utility or moving costs, call the crisis hotline at (716) 834-3131. Funds are available through the Federal American Recovery and Reinvestment Act.

Councilman Genzel noted to support your local fire companies. Patchin Fire Company's meat raffle will be held this Saturday at 8 p.m. The Boston Town Band is looking for new members as well as all of the town boards. Please submit resume and letter of interest to Town Clerk Mulés office.

Councilman Boardway reported the following fire responses for October:

Boston Fire Company 5 North Boston 7 Patchin 10 (5 Ems)

Councilman Boardway attended a meeting in Tonawanda for the Association of Erie County Governments to discuss ways to save money with all of the unfunded mandates from the State of New York. Councilman Boardway noted that he and Town Clerk Mulé have been working on the renewals of the town's insurances.

Councilman Vara reported that they are on the final stages of Scenic By-way Plaque. He has had meetings with Waste Management representatives and the leaders of the senior groups to set up a computer training session for the new Recycle Bank program offered by Waste Management.

Councilman Vara noted that out of three companies solicited for quotes for the repair of the lawn damaged by the accident but only one responded.

Councilman Vara reported he met with representatives from Time Warner Cable to discuss contract renewal and he has turned it over to Town Attorney Kobiolka to review. He is meeting with representatives from Waste Management who will be donating a computer and printer to the senior center so that they will have access to the new Recycle Bank program. They will also arrange to come back and speak with the seniors groups to familiarize them with the program.

Supervisor Ballowe: the 2013 budget shows a decrease in General and Highway fund tax rates, in addition to seeing well below the 2 percent cap by over \$60,000. We have consistently and responsibly lowered taxes three years in a row. My office went from a full time secretary to part time, saving the taxpayers about \$24,000 in salary and benefits a year without any loss of services due to cross training. My salary has stayed at 20 percent lower than any supervisor before me has. We are always actively pursuing grant money for road and drainage projects. When we walked in the door in 2010 over \$100,000 was being spent on engineering. We are looking at a cost savings of \$88,000 this year alone, and last year was approximately \$70,000. So every year it has been consistently dropping. I could not be more proud of every department in this town for watching their budgets, cross train and work hard. I think this is a responsible budget put forward to the residents of Boston. It contains real dollar savings. If offsets state mandates without compromises to service and there are no gimmicks involved. We paid down debt and eliminated bonding and went to long-term loans which are beneficial for future generations in this town. We set aside money for reserves to look down the road for buying products and equipment for the days we are not here that it is set up so that down the road there will not be issues of struggling financially. We really do put the town's people first.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:43 p.m.

five (5) Ayes Carried

JENNIFER A. MULÉ, TOWN CLERK