

Town Board Minutes October 17, 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 motion was made by Councilman Boardway and seconded by Supervisor Ballowe to approve the minutes of the October 3, 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 October 11, 2012 in the amount of \$101,940.57 be paid.

five (5) Ayes Carried

Received a letter from Richard Helmbrecht informing the Town Board that Noah Quinlan has earned his rank of Eagle Scout.

Councilman Boardway noted that a proclamation will be prepared for presentation to Noah.

Received and filed a letter from Michael P. Dallessandro regarding a management review and shared services study.

The following persons were heard:

Janet Kurasz, 7126JE Boston Cross Road, thanked the Town Board for their help in having Power Line Road drainage and resurfacing issues corrected. She also presented the Town Board with pictures of vehicles parked on Power line Road that she feels inhibits the ability of an emergency vehicle to pass by if needed.

Supervisor Ballowe noted he would forward the pictures and her concerns to Code Enforcement Officer Ferguson.

A motion was made by Councilman Boardway and was seconded by Councilman Murtha to approve the request to use town facilities for North Boston Vol. Fire Companies for their 50 Grand Gala to be held July 11 ? 14, 2013 with the stipulation that the Application for Use of Facility and all appropriate fees and insurances are received prior to the event.

five (5) Ayes Carried

At 7:40 p.m. a Public Hearing was held to hear comments regarding the use of Federal Community Development Funds in the Town of Boston.

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 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

RESOLUTION 2012-10 ERIE COUNTY COMMUNITY DEVELOP-
MENT BLOCK GRANT REQUESTS

Councilman Genzel presented the following Resolution and moved its adoption:

WHEREAS, following the Public Hearing of October 17, 2012 which was held at the Boston Town Hall for suggestions by the public for projects to be submitted for funding,

NOW, THEREFORE BE IT RESOLVED, that the Boston Town Board submits the following projects to be considered for funding by the Erie County Community Development Block Grant Program during the 2013-14 grant cycle:

1st Priority - Mill Road Drainage Project = Phase II, requesting \$100,000 in CDBG funds to be matched using \$123,000 in town funds using a combination of cash and force account labor from the following line items A8745.4, A8540.4, A1990.4 and

D5110.1.

2nd Priority - Rural Transit Service.

Motion Cont?d:

NOW THEREFORE BE IT RESOLVED BY, that the Boston Town Board authorizes Martin A. Ballowe, Town Supervisor, to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) Program for the cited projects upon approval of the ECCDBG.

Seconded by Councilman Boardway and put to a vote this resulted as follows:

five (5) Ayes Carried

RESOLUTION 2012-11 ESTALISHING THE HIGHWAY EQUIPMENT RESERVE FUND OF THE TOWN OF BOSTON UNDER §6-c OF THE GENERAL MUNICIPAL LAW

Supervisor Ballowe presented the following resolution and moved for its adoption:

BE IT RESOLVED, by the Boston Town Board of the Town of Boston as follows:

SECTION 1. That pursuant to Section 6-c of General Municipal Law of the State of New York, as amended, there is hereby established a capital reserve fund to be known as the "Highway Equipment Reserve Fund" of the Town of Boston (hereinafter referred to as the "Reserve Fund").

SECTION 2. That the funds currently retained in the Highway Equipment Reserve Fund as of 9/30/2012 which was established by Resolution on March 16, 2011 in the amount of \$31,110.74 shall be transferred into the Highway Equipment Reserve Fund.

SECTION 3. That in addition to the \$31,110.74, the estimated costs of future purchases of Highway Equipment are \$50,000, for a total of \$81,110.74.

SECTION 4. The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law. The chief fiscal officer may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Boston. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the cash and investments in the Reserve Fund.

Motion Cont'd:

SECTION 5. Except as otherwise provided by Section 6-c of General Municipal Law of the State of New York, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing Board and the Town Superintendent of Highways and

without such additional actions or proceedings as may be required by 6-c of General Municipal Law.

Seconded by Councilman Boardway and put this to a vote this resulted as follows:

five (5) Ayes Carried

RESOLUTION 2012-14 ESTABLISH THE BUILDING AND PARKS CAPITAL RESERVE FUND

Councilman Vara presented the following resolution and moved for its adoption:

BE IT RESOLVED, by the Boston Town Board of the Town of Boston as follows:

SECTION 1. That the Town Board of the Town of the Town of Boston recognizes the need for a capital reserve fund for Buildings and Parks.

SECTION 2. That under Section 6-c of the General Municipal Law there be and hereby is established a capital reserve fund in the amount of One Hundred Thousand Dollars and 00/100 (\$100,000.00) for Buildings and Parks.

SECTION 3. Such fund is to be known as the ?Buildings and Parks Capital Reserve Fund? (hereinafter sometimes referred to as the ?Fund?).

SECTION 4. That the estimated maximum cost of said improvements exceed One Hundred Thousand Dollars and 00/100 (\$100,000.00).

SECTION 5. That out of the surplus of the General Fund now on hand for the year 2012 and not otherwise appropriated, the sum of One Hundred Thousand Dollars and 00/100 (\$100,000.00) being the same is hereby appropriated for the Fund and the Supervisor of the Town is hereby authorized, empowered, and directed to transfer from surplus funds of said General Fund the sum of One Hundred Thousand Dollars and 00/100 (\$100,000.00).

SECTION 6. Such additional sums as may here and after be appropriated shall become part of the Fund.

SECTION 7. The monies of the Fund shall be deposited in a separate bank account in an official depository of the Town of Boston.

Motion Cont?d:

SECTION 8. The Supervisor, in his or her discretion, may invest the monies in the Fund pursuant to Sections 10 and/or 11 of the General Municipal Law of the State of New York and the Investment Policy of the Town of Boston. Any interest earned or capital gains realized on the monies so deposited or invested shall accrue to and become part of the Fund.

SECTION 9. No expenditure shall be made from the Fund except by authorization of the Town Board of the Town of Boston pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York.

SECTION 10. Except as otherwise provided in Section 6-c of the General Municipal Law expenditures from the Fund shall be made only for the purpose for which the Fund is established. No expenditures shall be made from the Fund without the approval of the Town Board of the Town of Boston without such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law.

This Resolution is subject to a permissive referendum pursuant to Subdivision 4 of the Section 6-c of the General Municipal Law.

Seconded by Supervisor Ballowe and put to a vote this resulted as follows:

five (5) Ayes Carried

RESOLUTION 2012-15 UNPAID BILLS

Councilman Murtha presented the following Resolution and moved its adoption:

BE IT RESOLVED, that the Boston Town Board does hereby request that the Boston Assessor and Erie County Finance Department place the following Unpaid Bills on the 2013 Tax Roll:

Water Bills:

SBL#	Address	Amount
258.10-1-35	7084 Boston Cross Rd.	\$ 60.11
211.14-3-21.2	7254 State Rd.	\$ 194.95
258.00-3-17.112	7054 Brown Hill Rd.	\$ 75.17
212.00-4-13.1	7736 Eddy Rd.	\$ 54.61
242.13-3-3	8910 Greenbriar Terr.	\$ 101.31
226.01-3-2	5582 Homestead.	\$ 110.75
242.09-1-17	6681 Meadowbrook Dr.	\$ 101.38
242.09-1-16	6693 Meadowbrook Dr.	\$ 51.69
211.10-2-38	7137 Parkside Dr.	\$ 41.35
211.14-3-2	7445 Zimmerman Rd.	\$ 107.57
211.00-3-14.211	6207 Ward Rd.	\$ 100.32

Motion Cont?d:

211.02-2-20	6193 Ward Rd.	\$ 103.36
212.00-1-22	7115 Ward Rd.	\$ 110.63
212.00-1-19.111	6983 Ward Rd.	\$ 213.93

WATER BILL TOTAL \$1,427.13

Seconded by Councilman Genzel and put to a vote which resulted as follows:

five (5) Ayes Carried

Councilman Genzel recused himself from voting on the following motion due to the fact that he had done surveying work on the property in question back in 2003.

Town Attorney Kobiolka noted that the letter of intent was received for a conceptual Site Plan review and requested the Town Board table this request until he can discuss the details of this request with Town Engineer Hannon and the applicant's engineer.

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to table the request from CRC Engineering and Land Surveying so that Town Attorney Kobiolka can discuss it with Town Engineer Hannon and the applicant's engineer.

five (5) Ayes Carried

RESOLUTION 2012-16 ESTABLISHMENT OF KELLER ROAD SPEED LIMIT

Councilman Murtha presented the following Resolution and moved its adoption:

WHEREAS, the Boston Town Board has been made aware of the traffic safety concerns of its residents with respect to Keller Road in the Town of Boston, and

WHEREAS, residents have reported to the Town Board excessive speed and otherwise imprudent and unsafe operation for the roadway conditions on Keller Road, and

WHEREAS, residential development has increased along the length of Keller Road, and

WHEREAS, Keller Road has proven to be hazardous due to its steep incline from the intersection of Zimmerman Road traveling west to The Town of Hamburg border, and

WHEREAS, the Boston Town Board is requesting that the speed limit on Keller Road be established at 45mph, and

Motion Cont?d:

WHEREAS, under current provisions of the Vehicle and Traffic Law, Section 1662 (a), the establishment of speed limits and other traffic regulating provisions for this local roadway fall outside the jurisdiction of the Town of Boston.

THEREFORE BE IT RESOLVED, that the Boston Town Board hereby formally request a traffic speed and safety study be conducted for Keller Road in the Town of Boston.

BE IT FURTHER RESOLVED, that the Town Clerk shall transmit a TE-9 and this resolution to the proper agency.

Seconded by Councilman Vara and put to a vote this resulted as follows:

five (5) Ayes Carried

RESOLUTION 2012-17 ESTABLISHMENT OF BOSTON STATE RD SPEED LIMIT

Councilman Murtha presented the following Resolution and moved its adoption:

WHEREAS, the Boston Town Board has been made aware of the traffic safety concerns of its residents with respect to the section of Boston State Road between the 219 off ramp and Herman Hill Road, and

WHEREAS, residents have reported to the Town Board excessive speed and otherwise imprudent and unsafe operation on this section of Boston State Road, and

WHEREAS, this section of Boston State Road has proven to be hazardous due to several vehicle accidents, and

WHEREAS, the Boston Town Board is requesting that the speed limit on this section of Boston State Road be established at 35mph, and

WHEREAS, under current provisions of the Vehicle and Traffic Law, Section 1662 (a), the establishment of speed limits and other traffic regulating provisions for this local roadway fall outside the jurisdiction of the Town of Boston.

THEREFORE BE IT RESOLVED, that the Boston Town Board hereby formally request a traffic speed and safety study be conducted for this section of Boston State Road between the 219 off ramp and Herman Hill Road in the Town of Boston.

BE IT FURTHER RESOLVED, that the Town Clerk shall transmit a TE-9 and this resolution to the proper agency.

Motion Cont?d:

Seconded by Councilman Vara and put to a vote this resulted as follows:

five (5) Ayes Carried

A motion was made by Councilman Boardway as Supervisor Ballowe to refer the request for site plan revisions for Hamburg Overhead Door to the Planning Board for further review and recommendation.

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 Friday Night recreation program, terms to expire April 12, 2013:

Name	Position	Hourly Rate
Elizabeth Janak	Supervisor	\$10.50
Jenna Bloom	Counselor	\$ 8.50

Taylor Janak Counselor \$ 8.50
Brienne Peterson Counselor \$ 8.50
Sarah Telaak Counselor \$ 8.50
Melissa Abbotoy Substitute Counselor \$ 8.50
Nicholas Janak Substitute Counselor \$ 8.50
Katelin Kleis Substitute Counselor \$ 8.50
Courtney Miller Substitute Counselor \$ 8.50
Mary Tomani Substitute Counselor \$ 8.50

five (5) Ayes Carried

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

Highway Superintendent Telaak reported brush pick up is complete until next spring but Leaf pick up continues. The Highway Department needs places to haul and dump the fill removed from the Mill Street Drainage Project site. He is working on getting quotes for the walking path. NYSEG worked on tree removal on May Drive.

Highway Superintendent Telaak requested Town Board permission to take some of the broken black top/fill and leaves.

Supervisor Ballowe and Councilman Boardway noted they had no problem with Highway Superintendent Telaak taking fill/leaves.

Town Attorney Kobiolka noted that he received the signed Municipal Cooperation Agreement from the Town of Eden and requests that a meeting is set up between the towns to discuss the project.

Councilman Murtha reported on Back Creek Road Repair and the speed limit study for Keller and Boston State Roads.

Councilman Genzel reported on the Mill Street Storm Drain project and noted the town can deliver the fill to the Boston Fire Company site, but cannot level it. He reported on Hydrofracking and how National Fuel sues the Town of Colden to challenge Hydrofracking ban.

Councilman Boardway commented on the importance of Resolutions 2012-11 and 2012-14. He also stated his pleasure that the Fire Companies have hired a consultant to work with them to conduct their own management review and shared services study.

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 stated that bids are being solicited for the damages from the accident on town property. Several projects being worked on are now complete.

A motion was made by Supervisor Ballowe and seconded by Councilman Genzel to adjourn the meeting at 8:08 p.m.

five (5) Ayes Carried

JENNIFER A. MULÉ, TOWN CLERK