

Town Board Minutes September 21, 2011

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

Also Present: Town Attorney Kobiolka and Highway Superintendent Telaak.

Reverend Bonnie Bates, Faith United Church of Christ, opened the meeting with a prayer.

A motion was made by Supervisor Ballowe and was seconded by Councilwoman Maghran to approve the cycling routes for the Ride for Roswell throughout the Town of Boston on Saturday, October 1, 2011 between the hours of 7 a.m. and 1 p.m.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to table the minutes of the September 7, 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 September 15, 2011 in the amount of \$43,487.19 be paid.

five (5) Ayes Carried

Town Historian, Keith Kaszubik stated neither Councilwoman Maghran nor any member of the Town Board ever voted to take away funding for the Boston Historical Society. The only vote ever taken took place at the Town Board meeting of September 7, 2011 when a contract was unanimously approved. This was witnessed by five members of the Historical Society Board and

none of them expressed any dissatisfaction. Councilwoman Maghran volunteered to serve as Town Board liaison to the Historical Society. For clarification, the Supervisor appoints the Town Historian, which is mandated by New York State.

Received and filed NYSDEC Permit 6NYCRR: Water Quality Certification for the South Side of Rice Hill Road, East of U. S. Route 219, West of Boston State Road.

Judy Rados: I would like to request that the Town Board consider amending the code addressing the publication of public hearings. In light of the recent public hearing notice not listed on the Town of Boston website, I feel if the code is amended to include the website this oversight will not occur in the future. I feel it would bring the town code up to date with the day and age we live in now. I would also like to request that when a public notice hearing is published in the Springville Journal and Hamburg Sun that it include not only the title of that new law or code but the entire law and code itself. This will probably cost more, but in general that is how I see other towns publish their issues. This would give people that are not computer savvy time to read about it before the public hearing so that they may also prepare their questions for the Town Board prior to the meeting. The more transparent the Town Board business is the better for all of us.

Judy Rados also inquired as to how a public hearing scheduled for October 5 regarding Local Law #2 due can be cancelled due to the need to review comments from the residents when you closed the public hearing on September 7? I realize a couple people continued to voice their concerns, but I know I did not. Doesn't a public hearing already scheduled have to be cancelled by a motion at a Town Board Meeting?

Town Attorney Kobiolka: After we started with the public comments from the last hearing I felt compelled to look at other town ordinances and talk to other town code enforcers to see how those provisions work in their town. I believe this is prudent, the Town Board supported this, and I believe some of the comments taken from the floor also supported that. So the Town Board scheduled it and the notice had to go out, but I did not have enough time to actually look into it, so I asked the Town Board to cancel the public hearing, which is on the agenda today, and reschedule it for some time later in the year. Right now the town is very involved in the budget process which will take up a lot of time. This Local Law will be back on the agenda later in the year. It will be posted in the Town's official papers and on the web. Also, it would be very costly to post three or four page laws in the paper.

Councilman Boardway: Do you have a specific example where other towns have published the entire text of a proposed law?

Judy Rados: I read it all the time when I go on the web to the Springville Journal and Hamburg Sun.

Deputy Town Clerk Mule: On the website or in the paper?

Judy Rados: In the paper's website.

Supervisor Ballowe: It will be on the website. With today's technology we are trying to revamp the website.

Judy Rados: Is this law going to be re-written from as it stands now?

Supervisor Ballowe: Town Attorney Kobiolka is researching it and considering the comments that have been made and will decide if it is good for the town. The comments previously heard have opened up a lot of questions for us. Right now we have deadlines for the town's budget. When it is ready it will be on the website and in the paper. We are trying to keep everyone informed.

Tom Steinagle noted that he would like to see Code Enforcement Officer Ferguson get additional help in his office. He works 10 hours per week. He cannot enforce anything in 10 hours per week and feels there are laws that are not being enforced.

Supervisor Ballowe: The ten hours are the hours he is actually in the office. The other days he is out in the field walking around, doing drainage, etc. If Code Enforcement Officer Ferguson feels overwhelmed he can come to us and let us and let us know. When the department heads have an issue, they need to come to us. We do not want to micromanage them, it is not efficient. We have an open line of communication with all the departments in the town hall.

Tom Steinagle noted that it would take more money out of his pocket with taxes if the town advertised five pages of a law or code in the two papers and is not in favor of that.

Supervisor Ballowe: By law, we only have to print the legal notice. We are really trying to become more modernized which will help those who are interested stay informed.

Reverend Dr. Bonnie Bates, Faith United Church of Christ noted there will again be a community wide children's clothing exchange on October 16, donations can be made between 9 a.m. and 12 p.m. An announcement will also go out to the Elementary Schools. Drop off is Tuesdays, Thursday's and Friday's from 9 a.m. till 2:30 p.m.

A motion was made by Supervisor Ballowe and was seconded by Councilman Wieckowski upon the recommendation of the Zoning Board of Appeals to appoint Joanne Bonsack as a regular member term to expire 04/01/14.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to advertise in the Hamburg Sun and Springville Journal for additional members for the Zoning Board of Appeals.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to accept Liquor License Renewal for Couzins of WNY, LLC., 7115 Boston State Road.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to accept Liquor License Renewal for Buffalo Buck's Smoke House Restaurant, Inc., 8038 Boston State Road.

five (5) Ayes Carried

Councilman Boardway: Due to the federal funding in 2010 for the USDA long-term loan for Water District #3, we are required to obtain a town wide audit.

The following bids were received for the USDA 2010 OMB Circular A-133 Audit:

Toski, Schaefer & Co., P.C. CPA's \$4,900-\$5,200

Mark I. Adamchick, CPA MBA \$4,600

Drescher & Malecki, LLP \$8,900

A motion was made by Councilman Boardway and was seconded by Councilman Wieckowski to accept the Bid for the USDA 2010 OMB Circular A-133 Audit from Mark Adamchick, CPA, MBA in the amount of \$4,600.

five (5) Ayes Carried

Supervisor Ballowe noted that anytime a water district is created or is bonded out through the USDA, the State Comptroller requires an Audit be conducted.

A motion was made by Supervisor Ballowe and was seconded by Councilman Wieckowski to reschedule the bid opening for the Valley View Lane Stream Bank Erosion Project for October 3, 2011 at 10 a.m.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to cancel the Public Hearing previously scheduled for October 5, 2011 at 7:40 p.m.

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

Supervisor Ballowe noted that at the last Town Board meeting the roofing bid for the Recreation Center was awarded to Pat White construction, who completed the new roof installation today.

Supervisor Ballowe noted that he and Bookkeeper Selby met with every department head and will have the 2012 Preliminary Budget ready for the next meeting. The town is in good financial shape and everything is running its course. Even with all the improvements that took place, we are still a little bit below last year's budget.

Deputy Town Clerk Mule' noted that Flu Shots will take place on Friday, September 30, from 10 a.m. to 2 p.m. Tax bills have been mailed. Additional hours for collection will be Friday, October 14 from 9 a.m. to 8 p.m., Saturday, October 15 from 9 a.m. to 3 p.m. and Monday, October 17 from 9 a.m. to 9 p.m.

Highway Superintendent Telaak noted that this year the price of salt went up \$2.74, his salary went up 3 percent and we were still able to lower the tax rate for 2012 because the debt on the principal was eliminated.

Highway Superintendent Telaak noted that brush pick up will begin again October 1. We will go through the town at least once so please have your brush out on that date. Once leaves start to fall the brush chipper is put away and the leaf boxes are installed on the trucks.

Highway Superintendent Telaak noted that there will be a public auction at the Fairgrounds on October 8 and requested the old dog van, dump box, and sander on a plow be sent to auction.

Highway Superintendent Telaak noted that the drainage project on Liebler Road is moving along. New pipes were installed across the power line and up the hill. We have poured 30 yards of concrete. Two very large Oak trees have to be cut down so he will solicit three quotes for that job.

Town Attorney Kobiolka noted the following annual increases for the School Districts within the Town of Boston as follows: Springville-2.6%, Orchard Park-4.9%, Eden-5.5% and Hamburg 6.4%. He also noted that the Planning Board and Zoning Board of Appeals members had their four hours of training in the Town of Elma at no cost to the Town of Boston.

Councilman Wieckowski, Office of Emergency Management, has been speaking with Erie County Highway pertaining to road closures for Maintenance and Emergency Road Closure for a water line hit. Erie County Water Authority mismarked one of their water mains and Erie County Highway hit it. Boston Springville Road will be closed between Abbott Hill Road and Sharp Street.

Councilman Genzel as Engineering Liaison spoke with Town Engineer Hannon regarding the design for Water District #3, ext. 1 on Cole Road. He is optimistic that we can bid this out in November. Year-to-date, the town's engineering costs have been \$19,395. We allocated \$30,000 for this year. By keeping a watchful eye on our Town Engineer we are going to come in under budget. The 2009 budget for Engineering was \$90,000. We have saved money in the Engineering Department.

Councilman Genzel as Planning Board Liaison reviewed Emerling Chevrolet's facelift. All Chevy Dealerships are going to look alike and are mandating that all buildings have to look a certain way.

Councilman Genzel as Drainage Liaison fielded a call about a large tree down on Back Creek Road just north of Mill Street. He will solicit quotes to have it cut up using the Drainage funds.

Councilman Genzel noted that the residents in the East Hill Water District will be seeing a \$75 per household and \$35 per vacant lot decrease because of the Bonds used.

Councilman Genzel noted that Supervisor Ballowe and Bookkeeper Selby are doing an excellent job working on the 2012 budget and is hoping to bring the taxpayers lower taxes.

Councilman Boardway noted that the budget process is a very in depth process. Every single line item of any money that gets spent in this town gets reviewed yearly. The cost savings brought in were apparent last year but will be very apparent this year.

Councilman Boardway as chairman to the Insurance Committee has tentatively set a meeting for October 5th with Perma Representatives to find out what we need to do to get this premium lowered. Our Worker's Compensation is over \$90,000 a year. About half of that has to do with the Fire and Emergency services in town. We have gone through a lot of contract work to get information from the Fire Companies that we can turn into PERMA so we can get these premiums lowered.

Councilman Boardway also noted he is working with Penflex which funds the service award program for the Fire and Emergency Services workers. In the past this program was not carefully monitored. This Town Board went to a more aggressive funding of the program. We moved the cash to stop the bleeding, investigated all the different options we had as far as getting that money reinvested aggressively. We changed to a very highly managed portfolio where this money moves in and out on a daily basis. Because of that move, I am happy to report that as of December 31, 2010, that reserve fund is going to fund the service awards into the future. Between December 31, 2010 and August 31, 2011 it paid \$163,511.40

Councilman Boardway noted that the Conservation Advisory Council is looking for new members.

Councilman Boardway noted that that Conservation Advisory Council has been reviewing Proposed Local Law #2-2011 and he advised them that the public hearing will be rescheduled. Hydrofracking was discussed and noted that the DEC is waiting on a final report. Whatever The DEC determines will guide us into the future. The Governor has made it clear about what is going to happen in New York State but this is a DEC issue and we are very limited as to what we can do as a Town Board.

Councilman Boardway also noted that the Town of Boston is a Right-to-farm community and is working on getting signage for the town.

Councilwoman Maghran noted that the Town of Boston Early Bird Ski programs and the Friday Night Recreation schedule are now available on line. There is no charge for the Friday Night Recreation this year due to a grant received.

Councilwoman Maghran also noted that Mary Blum, Director of the Local Family History Center in Orchard Park will be giving a presentation on genealogy at the Boston Town Hall Community Room at 6:45 p.m. The presentation will be following a potluck dinner at 6 p.m. The Family History Center is located on Baker Road in Orchard Park. This presentation is sponsored by the Boston Historical Society and will be followed by a question and answer period. Any questions can be directed to Historical Society President Kathy Praczkajlo at 648-4077.

Councilman Wieckowski noted that propane fracking is a new process where large volumes of propane are brought in and pumped into the gas wells instead of using water. Propane trucks will be driving down the road instead of water trucks. The Fracking that is done in the Town of Boston is not the same as the drilling into the Marcellus Shale. These are all vertical wells in the Town of Boston. The Marcellus Shale is horizontal walls, going down about 3,000 to 5,000 feet and then turns the well and goes horizontal. The oldest vertical well in Boston was drilled in 1933.

A motion was made by Supervisor Ballowe and seconded by Councilwoman Maghran to adjourn the meeting at 8:17 p.m.

five (5) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK