

Town Board Minutes September 7, 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 schedule a bid opening for the Valley View Lane Streambank Erosion project for Tuesday, September 27 at 10 a.m.

five (5) Ayes Carried

Councilman Boardway noted that Erie County Executive Collin's office has contacted the Town of Boston through his Emergency Services Office. Erie County is currently in the process of updating their Multijurisdictional Hazardous Mitigation plan. The Town of Boston has decided to participate in this.

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran that the Town Board and the Office of Emergency Management make a resolution that the Town of Boston will be formally participating with the Erie County Multijurisdictional Hazardous Mitigation Plan update.

five (5) Ayes Carried

Supervisor Ballowe noted that a bid was previously awarded to Sahlem's Roofing for \$7,150. Sahlem's roofing has yet to begin this work regardless of being notified that the contract was awarded to them. They were sent certified letters regarding this and they had until 26th of August to reply. The work needs to be started because the roof leaks.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to dismiss Sahlem's Roofing bid for being non-responsive to the contract and accept the bid from Pat White Construction for \$9,900 to install new roofing on the Recreation Building.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilman Wieckowski to adopt the minutes of the August 10, 2011 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Wieckowski and seconded by Councilman Genzel, upon review by the Town Board, that fund bills on the Abstract dated September 1, 2011 in the amount of \$232,743.49 be paid.

five (5) Ayes Carried

At 7:40 p.m. a Public Hearing was held to hear comments regarding Proposed Local Law No. 2 of the year 2011 to encourage property owners to maintain their property in a safe and orderly condition in the Town of Boston, New York.

Supervisor Ballowe read the legal notice.

Councilman Genzel explained that this is a local law enabling the Town of Boston to enforce the maintenance of property within the town. Several houses that have not been maintained and we have received many complaints of high grass and rodents on homes that are in foreclosure. This law is to hold the person or owner responsible and inform them that they need to attend to their property. The town cannot go onto private property. This give us the mechanism to have the Code Enforcement officer check to make sure that residents are cleaning out their ditches and aren't dumping washers and dryers and car engines in the ditches.

Judy Rados, 5667 Homestead requested that this public hearing be postponed due to the fact of improper notification. The Supervisor's statement on the town website states that it would be published in the Hamburg Sun, Springville Journal and on the Town's Website. It was not posted on the website. She watches it regularly to find out all town information. Past practice shows that public hearing notices are on the Website along with Proposed Laws. She feels it should be republished in the papers to include a statement that this proposed law is available on the town's website for viewing. In addition I am requesting there be a town wide mailing regarding this Local Law due to the fact that it affects every resident's private property and can possibly create some serious liability issues for both the town and the residents.

Town Attorney Kobiolka: The town is required to publish in the papers and we try to inform the public as much as we can, but it has not legally required that the notice has to be on the town's website.

Judy Rados: I do not go to the Hamburg Sun and the Springville Journal; I go to our website because that is where I want to find out information about our town.

Supervisor Ballowe noted that he was not aware it was not posted and the webmaster will be notified. He noted that he would postpone the public hearing.

Judy Rados: Will you state that this law is available on the website

Supervisor Ballowe: It will be noted.

Deputy Town Clerk Mule' noted that the public hearing can be postponed for the October 5th meeting.

A motion was made by Supervisor Ballowe to postpone the public hearing on Local Law No. 2 of the year 2011 until the October 5th regular Town Board meeting and to advertise in the Hamburg Sun, Springville Journal and the Town of Boston website.

The motion was not passed due to lack of a second.

Larry Murtha, 6225 Shero Road: I would like to know who originated this proposal.

Supervisor Ballowe: The Town Board and Town Attorney Kobiolka originated this proposal after numerous complaints. We have looked into what other towns have done on this issue and modeled the local law from Hamburg for grass cutting.

Larry Murtha: This is much more far reaching than just cutting grass.

Supervisor Ballowe: I know there are some drainage issues in there. We sat down with Town Engineer Hannon to research the best course of action when we find car engines, washers and dryers and debris clogging our ditches and drains. We are just trying to come up with some solutions for the dumping these large items into the creeks. We are trying to prevent people from dumping their everyday garbage onto the sides of the roads.

Larry Murtha: Who drafted this Local Law?

Councilman Genzel: It was drafted by Town Attorney Kobiolka.

Larry Murtha: Highway Superintendent Telaak, does this have your support?

Highway Superintendent Telaak: I have seen all kinds of rubbish in the creeks. Yes, I think it would be a good thing and it would stop a lot of flooding.

Larry Murtha: It is my understanding that you do not prefer to go on private property.

Highway Superintendent Telaak: Definitely not.

Larry Murtha: So this is your proposal?

Highway Superintendent Telaak: It is not my proposal; I cannot go on private property.

Larry Murtha: Do you get to suggest proposals?

Highway Superintendent Telaak: If I see problems in town where people are getting flooded because of rubbish being thrown into the creek, yes, I may suggest something to the Town Board.

Larry Murtha: I am trying to find out the motivation behind this law. Washing machines in ditches is not going to do it for me.

Supervisor Ballowe: Maybe Mr. Carr can tell you about all the flooding at his house, his daughter's house, and the building next door.

Larry Murtha: This law is ridiculously far reaching. You have got some litigation problems brewing.

Councilman Genzel: Are you an attorney?

Larry Murtha: No, I am not, but a common man can see that this is way overboard.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to close the public hearing at 7:48 p.m.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to reschedule the public hearing for Local Law #2-2011, a local law to encourage property owners to maintain their property in a safe, sanitary, and orderly condition in the Town of Boston, New York for Wednesday, October 5, 2011 at 7:40 p.m.

five (5) Ayes Carried

Tom Steinagle: Code Enforcement is going to be busy especially since they cannot even do what they are supposed to be doing now. If you see a code violation you have to call it in then he goes out and inspects it. The Towns of Tonawanda and Orchard Park have people that go out and do that job themselves. Previous years we had two employees doing this job and now we have one. We need enforcement of the codes, not just codes without enforcement. It makes sense to only have one if nothing is done to enforce these codes. To my knowledge, the code enforcement officer does not go around town looking for violations unless there is a complaint filed. When is the last time anyone patrolled looking for code enforcements? So many eyesores in Boston are always overlooked. Not knowing if it is a code or fire code. Trailers, boats parked inches from houses and structures. I have seen a tractor-trailer up from Eckhardt and Zimmerman Roads on the town's right-of-way, also election signs for people not running in this town. If you enact this new statute, what are you going to do to enforce it? Just like backing your car out of a driveway onto the street, we all know it is illegal, but they will not do anything until you get into an accident. We do not need this law. People put their garbage out 48 to 72 hours in advance.

Supervisor Ballowe: Which part of the law do you not like? You don't like that grass should be cut if it is taller than a certain height?

Tom Steinagle: A safe, sanitary, and orderly condition. Does that mean we can park rusted out 53-foot tractor-trailers on town property and in front of our houses?

Supervisor Ballowe: So you do not think that we should enforce the grass cutting when the house is abandoned and the neighbors are complaining.

Tom Steinagle: This town belongs to farmers. They put all their hard work and money into their land and yes some of them need work.

Supervisor Ballowe: I am not talking about the houses that need work. I am talking about the houses like the one on the corner of Wildwood and Boston State Roads where the grass was a foot high and the neighbors were complaining about rodents. This public hearing is to hear your opinion so that we may make an educated decision on it. I personally think it is a good idea if it

is abandoned because a bank is going to own it. To get after out of state banks is difficult. This work will be bid out to a private company. This fee will be put on the taxes of the particular property. Is this not something you would agree with?

Tom Steinagle: I agree that the town should be kept up, but if you are going to make this, why don't you put the other things in with it, such as tractor-trailers parked in front of houses, campers, garbage being put out 2 days before, why don't you put it all in here?

Supervisor Ballowe: I understand what you are saying about the wording. That is why we are having this public hearing to take your opinions and comments and go forward with them. Not to just have it and make it a law. I personally think the grass cutting is a great idea for the people who live next to these eyesores. Sometimes it is even hard for us to track down the owners of these houses. So we see what other towns have done to enforce this type of issue and draw from them to make a good local law that makes everyone happy and keeps our town looking nice also.

Tom Steinagle: I think it should be researched more and maybe a committee formed and then presented to the public.

Supervisor Ballowe: That is why we have these public hearings. We want to hear your opinions on these things. I think there should be a standard set for how high the grass is. But we will not penalize somebody on vacation if their grass gets high. So there has to be some sort of happy medium where we can make sure that our town continues to look nice. If a bank forecloses on a house, they should be responsible for that upkeep. In the case of drainage, we are trying to come up with something that is reasonable, but helps those who have had constant flooding. We walked a lot of these streams with Town Engineer Hannon and we found washers, dryers, and car engines. We have to come up with something that helps everyone out.

Councilman Boardway: We looked at what other Municipalities around us were doing to enforce this problem also. Our drainage problems are much more pronounced than a lot of our surrounding neighbors. That is why that portion of it was included in this particular law. This is all researched by Town Attorney Kobiolka, it gives us the legal right to go ahead and have this work done against the banks, out of town residents, and those who have abandoned their homes without having to try and track owners down, and then put it on the tax bill. This is easiest for us to ensure payment of these private contracts. If there is a complaint from a neighbor, it is referred to the Code Enforcement Officer and he will be directed to go to that property and speak to the owner. They will be given 30 days to take care of the issue, after 30

days, the code enforcement officer will then issue a summons. The flooding issues can be avoided by simply keeping the ditches on your property clear of wood, garbage, grass clippings, etc. Anyone can address this issue with anyone of us Town Board members.

Councilwoman Maghran: Tom brought up something I believe we need to take into consideration. The five of us understand what we mean by safe, sanitary, and orderly conditions, but as a person that sat with two Town Board's, everyone looks at things differently. Are we leaving this wide open to interpretation that a new group of people ten years from now take this same law and interpret things their way? We do need to readdress this wording before we do anything else. If the public right now is having trouble interpreting what we are trying to accomplish, maybe we need to address it differently.

Supervisor Ballowe: The reason for the public hearing is to hear everyone's opinion.

Tom Steinegle: I thought once the hearing was done, it just gets passed.

Supervisor Ballowe: No, not until we vote on it. There have been some questions brought to the table that we need to discuss and work on. We are past the grass-cutting season but we are trying to get something started for next year. We are trying to work with the County, State, drainage, etc. These are all good questions and we do appreciate them. We have hills and valleys and we are trying to limit flooding. We are going to sit down and work this law again.

Peter (last name inaudible) 8867 S. Greenbriar: Supervisor Ballowe I give you credit, you are a man of your word and stopped the motion when you said it was not published where you said it would be published. I know you have been out to look at my house, and you are going to attempt to take care of drainage problems when we cannot even get a drainage plan approved by the Town Engineer for that property. It was submitted by the builder and the town did not approve it. Now if something happens, it is going to fall back on the property owners to take care of it.

Councilman Genzel: In your situation, it is not finished yet, right?

Peter: We cannot get the plan approved to finish it.

Councilman Genzel: Then the plan is inadequate.

Supervisor Ballowe: The plan the builder supplied to us is inadequate, that is why it won't be approved.

Peter: I do not understand which way we have to go because some of this is going to be left up to the code enforcement to take care of. If the plan wasn't approved and we can't go any farther, why didn't the Code Enforcement Officer put a stop work order on the house?

Councilman Genzel: When did you build?

Peter: It has been one year. The builder said the he submitted a drainage plan to the town and has not heard anything back on it.

Supervisor Ballowe: So you do not know if the builder was informed as to whether it was turned down by the town?

Peter: I assume that if he was working with the Code Enforcement Office, they would have informed the builder that it did not meet the specifications.

Supervisor Ballowe: It is the builder's responsibility to come back and inquire as to what is right or what needs to be corrected. I cannot enforce him to do that.

Peter: I am looking for help from the town to get the builder motivated to fix the mess.

Supervisor Ballowe: I will ask Code Enforcement Officer Ferguson if he has been back in at all. Who is your builder?

Peter: Sunset Builders. I think this is vague to put out there. If your intent is garbage, culverts and swales and everything else, it probably should be put in there. If you leave this to vague for someone to interpret it, they could run wild with it.

Supervisor Ballowe: This is the purpose of these hearings. There is more than just garbage, there are logs that clogged ditches in North Boston, there are trees that hang across the Eighteen Mile Creek. There has to be a happy medium. We can try to help you out, but he is the builder, he needs to come back and submit that plan to the town.

Peter: I think the town needs to tell the builder he should be back.

Supervisor Ballowe: I will check to see if he submitted anything new. See me after the meeting so I can get your phone number.

Peter: My fear is if you enact this we are going to have to go and clean that line up at our expense.

Supervisor Ballowe: Thank you. We will look into this.

Marlene Guerra: 8867 Greenbriar Terrace: I have heard a lot about drainage plans and how Boston has a drainage issue. Is it possible to have all new homes that are built required a drainage plan be submitted upfront and not after the home is built

Councilman Genzel: When a subdivision is created, the drainage plan is created at the same time as the subdivision. They create a master plan showing where all the drainage is going to go. So when someone comes in to build a house in a subdivision, the drainage plan is on that map cover in that set of plans. Up on the hills, a plot plan is submitted and that shows where the house will be and that the drainage isn't affecting any of the neighbors. So, it is required already, and obviously your builder already submitted one.

Marlene Guerra: No he did not submit a drainage plan and to my knowledge he was not aware of the Type A drainage that was required. It wasn't until I went to the town and learned that it was considered a subdivision and that Type A drainage was required. To the best of my knowledge my builder was not given the Type A drainage requirements.

Supervisor Ballowe: As a builder, he should have definitely known that he has to pull all the drainage. That is his job as the builder.

Marlene Guerra: Ok, that gives me a better understanding. If in fact a drainage plan is required because there was some vagueness as to when a drainage plan is or is not required, if the town can consider those.

Supervisor Ballowe: He should know the codes and know that the type of drainage he has to put in along with the grade level.

Marlene Guerra: I appreciate the town's consideration and if I can prevent something like this happening to someone else, I would want to do that.

Councilman Genzel: Short of dragging him in here, it is tough to get your builder to conform to the rules. He just submitted it, it did not get approved, and so he walked away and left it. If he submits something that is approvable we can move forward.

Marlene Guerra: I am sure my neighbors would too because we look at weeds and everything else. That is why we are concerned about this law.

Councilman Boardway: We did actually discuss your issue earlier at our agenda meeting.

Gary Vara: 6465 Kevinton Place: Will this proposed law be on the website so the public can digest it before the next meeting?

Supervisor Ballowe: Yes, the webmaster will post it.

Gary Vara: Is it the code enforcement office that will determine whether a tree is dangerous or if it is too close to the 50-foot line?

Town Attorney Kobiolka: Yes, in conjunction with Highway Superintendent Telaak.

Gary Vara: So Highway Superintendent Telaak will also be involved in determining whether it is dangerous.

Town Attorney Kobiolka: Possibly, yes.

Gary Vara: So it would be Code Enforcement Officer Ferguson and Highway Superintendent Telaak's determination?

Town Attorney Kobiolka: Yes.

Gary Vara: If the tree has to be cut down, the homeowner has to do it or the Highway Superintendent will cut it down, is that my understanding?

Councilman Boardway: No, Highway Superintendent Telaak will not be doing any of this work, it will be contracted out, and the assessment for the work will be applied to their Town and County tax bill. If you recall earlier this year, a young girl in Erie County died because of a tree falling on a car. We are not going to let that happen in this town.

Gary Vara: So if the homeowner does not cut the tree down, then you will contract it out. Will the tree be removed by the contractor or the Highway Superintendent?

Supervisor Ballowe: The contract will do the job from start to finish. There are a lot of dead trees in this town. We are trying to do the right thing. We do not want to get carried away where we are having issues. This is a work in progress.

Gary Vara: Section 9 of this proposed law states that code enforcement may coordinate with the highway superintendent to do the work. What work would that be?

Supervisor Ballowe: To call and coordinate with whoever is on our approved list of vendors.

Gary Vara: So you will have a list of contractors who will remove this debris.

Supervisor Ballowe: Absolutely, and they must have the right insurance, carry all their own equipment, etc. Highway Superintendent Telaak will make the phone call explaining that the tree is tagged for cutting.

Gary Vara: So there will be one contractor for tree removal?

Supervisor Ballowe: We hope to have an approved list of three to five contractors at a set price.

Gary Vara: Highway Superintendent Telaak will determine who will do this work, correct?

Supervisor Ballowe: No, the Town Board will approve the contractor.

Gary Vara: But he will make a suggestion right?

Supervisor Ballowe: No, he will not make the suggestion. He will tag the tree and call the vendor. The job will go to the lowest quote. If they cannot do it, it will go to the next lowest.

Gary Vara: So a dangerous tree is anything that is within that fifty-foot limit?

Supervisor Ballowe: We are trying to narrow it down to what we consider dangerous, could fall on the road, take down power lines, fall on private property, what is truly dead, etc.

Gary Vara: Can the power company also remove some of these.

Supervisor Ballowe: Yes, the power company, Verizon, they will cut near their lines only.

Councilman Boardway: Obviously the utility companies are only concerned about their property, not yours.

Judy Rados: 5667 Homestead: I have to disagree with you. I called the power company, and they came right out and took a limb right off my wires.

Councilman Boardway: So, they must have determined that something was in their best interest to resolve that.

Councilman Wieckowski: The power company seems to be the best one at taking care of these types of issues.

Supervisor Ballowe: When you call them to come and do maintenance or cutting, you will tend to be low on the list, but if it's an emergency, they will take care of it.

Judy Rados: I do believe there is a code in the Town of Boston regarding junk vehicles and they are not to be kept on the property.

Supervisor Ballowe: We know that and are dealing with a gentleman on Shero Road with the same issue.

Judy Rados: And the drainage issue, I am not near a creek or anything but what happens when people are just trying to get rid of their garbage and dump it and the homeowner did not put it there or it possibly washed down? Why should the homeowner have to be responsible for removing that? Would it help to ask the Sheriff's Department to keep their eyes open for people that do that?

Supervisor Ballowe: We have a problem like that now on Butternut Road where stuff is constantly being dumped. Highway Superintendent Telaak ends up picking it up and disposing of it for these people.

Judy Rados: I guess I thought the public hearing was closed on this and I just wanted to show you that I have a lot of concerns about that law. I will not go through them tonight. I am going to give you something in writing. Can the town do a town-wide mailing on this?

Supervisor Ballowe: It would be very expensive to do a town-wide mailing.

Judy Rados: But this is a very ambiguous and vague piece of paper.

Supervisor Ballowe: That is why we held the public hearing. It has not passed. It takes people who are willing to come to the town. We are going to post it on the Website, the papers, the bulletin boards. We try to get as many people informed as possible, sending out to the entire town can be expensive.

Judy Rados: In the minutes of March 16, 2011, I read an excerpt where the Town Attorney and Highway Superintendent were going to get together to create a policy for cutting trees and trimming grass on the right-of-ways. Since March 16 I have not seen one thing in the minutes regarding that policy and then this pops up? What happened to just writing a policy in regards to the right-of-way, where the most danger is with trees.

Supervisor Ballowe: New York State requires the town to cut the right-of-way down and if there are trees that are dead hanging in our right-of-way, the town has the right to cut them down.

Judy Rados: Why don't we just keep going around doing that?

Supervisor Ballowe: We do, but they are not all our right-of-ways.

Councilman Boardway: Right-of-ways generally in town are 66 feet from the center of the road on some of the streets. There are a lot of varying sizes.

Supervisor Ballowe: We are trying to use this to work in conjunction with the county to get some of these trees down.

Councilman Boardway: Quite honestly we get reports from neighbors, residents, but more so from bus drivers, EMS and Fire Company personnel. These big vehicles have to get down these streets or close to a house. The bus drivers are very vigilant with anything they think may be a danger to a child coming out of the house for the bus. Earlier this year we cut about nine trees on Shero Road because the bus could not see going around the corner.

Judy Rados: If I understand it correctly, if it is a state or county road the town does not have any jurisdiction to go in and cut them.

Supervisor Ballowe: I do not think we have any jurisdiction. We just had the problem in North Boston with the drainage where they would not come and unclog it during the storm. The resident called us because they could not get help from anyone else.

Judy Rados: In regards to the trees, if you deem something a danger and cut it down, is there no way to go back to the county or state to recoup the money?

Highway Superintendent Telaak: The county right-of-way, I believe we can go back, but that usually is not the case. Like the tree at the corner of Eckhardt and Taylor Roads, it is just off the right-of-way but it is leaning over the road. If it were a town road, I would have it trimmed to make it safe, but it is County right-of-way.

Councilman Boardway: The issue near North Boston Fire Hall, the homeowner has a substantial insurance claim. It does become the property owners responsibility. But ultimately, people have to have some of their own personal responsibility here. In this case, his homeowners insurance covered his losses and then they made a subrogation claim. So to answer your question, they are going after what they consider the responsible party.

Dolores Schlee: I went to a recent Electro Magnet Pulse (EMP) meeting. We are a small community and we need to prepare. Can an EMP happen? Will it Happen? Yes, in all probability. There is also a law in the House of Representatives and back under the Clinton Administration that the Senate never acted upon. An EMP can happen from a Coronal Mass Injection (CMI). It can also happen from a nuclear head shot up into the air anywhere from nineteen miles to three hundred miles near our satellites. If that happens, our entire infrastructure will go down. Has this happened before, has it happened recently, is it a potential

threat, yes, it is. In 1859 we did get one. It was natural and all the telegraph lines in the entire world went down. The 1959 black out in Quebec was caused by an EMP. If an EMP hits this part of the country, sixty to eighty percent of the entire country can potentially die. We have 1,400 miles to get food. Do you know how quickly we ran out of food during the October storm? Our vehicles will go down; it will take eighteen months to get the power structure up because nothing is built in the United States. A man in Elma, who manufactures storage food was so concerned about the EMP potential in our country and because we are getting a lot of CMI's, he set up a separate division with a lawyer who will give a presentation. We need to work with North Boston Market for food storage. Survival food is being taken up by the government and store housed. We have a serious problem in this country and it is not ditches and it is not trees. I believe with the anomalies happening in our country we need to pay attention to this.

Councilman Boardway: The book on EMP's is called One Second After, and I met the author last year at the Association of Town's Conference. This is on the radar of Erie County. Earlier in the evening I made a resolution for a multijurisdictional disaster plan session that our town officials will attend. That whole purpose is to come up with a countywide disaster plan which is hazardous mitigation. So we definitely are aware of it.

Dolores left information sheets with the Town Board members and asked that the office of Emergency Management get them also.

A motion was made by Supervisor Ballowe and was seconded by Councilman Wieckowski to accept the resignation from Ray Kent from the Conservation Advisory Council.

five (5) Ayes Carried

Councilwoman Maghran noted that a request for a speed limit sign was submitted by David Sarata on Old Lower East Hill Road. She stated that she has forwarded this request to Erie County Several times and just recently had a response from Legislator Dixon suggesting the Town of Boston Town Board request that Erie County conduct a survey to determine a speed limit.

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway that the Town Board request that Erie County conduct a survey to determine the speed limit for Old Lower East Hill Road.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Wieckowski to accept the resignation from Eugene Wallace from the Zoning Board of Appeals.

five (5) Ayes Carried

Supervisor Ballowe noted that he would contact the event coordinator for the Ride for Roswell for Saturday, October 1, 2011 and make sure they contact our local fire companies for their assistance.

A motion was made by Councilwoman Maghran as Supervisor Ballowe to approve the Application for Use of Town Facilities for the Boston Historical Society for Tuesday, October 4, 2011 from 5 p.m. to 9 p.m.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to table the request from the Boston Fire Company for a Special Permit for Dumping of Material.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Wieckowski, upon the recommendation of Code Enforcement Officer Ferguson to approve the request for a second accessory building for Jerry and Liz Nedimyer, 7687 Lower East Hill Road.

five (5) Ayes Carried

RESOLUTION 2011-12
PROGRAM

NYS UNIFIED COURT SYSTEM COURT ASSISTANCE

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe upon the recommendation of Code Enforcement Officer Ferguson to approve the license for Boston Hills Homes and Estates Mobile Home Park. The license will be effective through June 30, 2012.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilman Boardway to authorize the signing of a contract with the Boston Historical Society in the amount \$4,300 retroactively commencing on January 1, 2011 and terminating on December 31, 2011.

five (5) Ayes Carried

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

Supervisor Ballowe noted that he met with Town Engineer Hannon and Highway Superintendent Telaak for a walk through on Valley Circle Lane regarding drainage issues.

Supervisor Ballowe noted that Town Budget and Highway negotiation process has begun.

Highway Superintendent Telaak noted that brush pick up started September 1st. They will do one sweep through the town and then begin another pick up on October 1st. There are also plenty of wood chips and fill available.

Highway Superintendent Telaak noted that trees on Liebler Road have been cut back and the wood was left for the homeowner. Culverts have been installed going up the road where the ditch was moved back. They installed a culvert across Power Line Road and they are building a new head wall and will be pouring concrete tomorrow. The ditch will be moved back about five or six feet from the shoulder of the road to make it safer.

Highway Superintendent Telaak thanked the Towns of Colden and Concord for their help with tar and stoning. He also noted that the town's chipper needed parts and was not functional in time for brush pick up and thanked the Village of Hamburg for the use of one of their chippers.

Highway Superintendent Telaak: The trees we cut down this year cost the taxpayers over \$5,000. That was for approximately nine trees that were very large and hanging over the road. The year before when they installed the water line we spent over \$5,000 cutting trees back that the contractor had to do because they were too large, in the wires and hanging over the road. This is why we like to trim the trees back when they are small and more manageable.

Councilman Wieckowski met with the Emergency Squad about contract renewals.

Councilman Genzel as Engineering Liaison met with Town Engineer Hannon, Tom Wick and Richard Rosenberry, Director of Engineering, Erie County Water Authority, and discussed the installation of a permanent generator at the North Boston Pump Station at a cost of \$130,000. That would automatically apply to the residents of that district. We asked them to recalculate. He noted that the pump has to have 24 hours of reserve water in it, or it needs an automatic generator. They will come back with a recommendation to see if we could install a non-permanent generator.

Councilman Genzel also noted they discussed the crescent tank resurfacing. He noted that the consultant would like to see the inside and outside of that tank resurfaced. The tank is approximately 15 years old and the cost of that is approximately \$200,000.

Councilman Genzel noted that Town Engineer Hannon submitted plans to Erie County Water Authority for the extension of the Cole Road water district. We are hoping to go out to bid in November.

Councilman Genzel as Planning Liaison noted that on September 20th nine members from the Planning Board and Zoning Board of Appeals will attend a smart growth continuing education class at the Town of Elma Town Hall. Bison Bicycles has been doing some exterior work to the building and will be submitting his final site plan soon.

Councilman Genzel as Drainage Liaison noted that John Anthone, owner of the GATCO Knife Company in the old North Boston Fire Hall and resident Jim Carr have filed insurance claims

because of the extensive damage and loss they received during the last big rain storm when a stump was blocked the drainage pipe. They would like the Town of Boston request Erie County to install some trash racks at the Boston State Road crossing and Hickory Road. It is very important that these drainage areas are maintained. This is a perfect example of how this possible law could help the citizens.

Councilman Genzel noted he received a call from Joe Prentki, 5792 Cloverfield Drive about a neighbor not taking care of his drainage. Code Enforcement Officer Ferguson visited this area and the neighbor was notified to clean the ditch. To date, this has not been taken care of.

Councilman Genzel noted that he would refer the issue of the installation of Right to Farm signs in town to the Conservation Advisory Council and Liaison Councilman Boardway.

Councilman Genzel noted that an article written by Town Historian Keith Kaszubik appeared in the American Polish Eagle on September 1, 2011

Councilman Genzel noted that Make a Wish foundation will be holding a fundraiser at the Boston Fire Hall from 6 p.m. to 11 p.m. on November 12, 2011. They will be accepting baskets for the Chinese auction.

Councilman Boardway noted that the Boston Historical Society is accepting membership applications with dues being \$10.

Councilman Boardway noted that the Conservation Advisory Council is looking for members. Resumes can be submitted to the Town Clerk's office.

Councilman Boardway: There was an editorial published in the Buffalo News this week. Obviously citizens have the right to make comments whenever they want; unfortunately we have an expectation that when things are published they at least be factual or tell the whole story. The article stated that the Town of Boston did not pay the Boston Fire Company their \$75,000 for sixty days. The reality of it is, they did not comply with the contract they signed. As most of you are aware, we had extensive contract negotiations with the fire companies, but eventually they were signed with everyone understanding what the obligations and expectations were under those contracts. The other two fire companies complied with all the requirements needed in the time to issue their second payment. Boston Fire Company did not. They were advised that until they comply they would not get their money. Once they complied, they did

receive their money. Former NYS Senator Daniel Patrick Moynihan used to say "you can have your own opinions, but you cannot have your own facts?". If anyone has any questions on the actions of this Town Board or what has been done in the last 18 months on this Town Board, feel free to contact any one of us.

Councilwoman Maghran apologized for missing the August Town Board meeting; she had a family emergency and thanked everyone for his or her thoughts and prayers during that time.

Councilwoman Maghran noted that the Recreation income increased \$8,000 over last year and up \$15,000 over 2009. Thank you to Recreation Director Clesse and Mary Lou Zeis for their efforts on making some great improvements to the Summer Recreation program. We brought in a lot more classes, events, and fun things for the children. We saved \$5,000 over 2010 and \$22,000 from 2009. This year we actually made \$633.62. In 2010 it cost the town \$12,070.68 and in 2009 it cost \$37,387.66. That was a lot of work and diligence by this Town Board. We received a lot of positive feedback.

Councilwoman Maghran noted that the concert series for 2011 made \$900 profit for the Town of Boston and we had numerous fundraisers for the girl and boy scouts. The Concert series in 2010 broke even and in 2009 it cost \$2000. A lot of effort went into these events this year.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 9:01 p.m.

five (5) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK