

**REGULAR BOARD MEETING
MARCH 20, 2013**

**TOWN HALL
7:30 P.M.**

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.

Town Clerk Mulé noted there will be a price increase for the town maps that are sold in the Town Clerk's Office. The cost of reprinting them has gone up since the last printing. We currently charge \$1.00 per map. The new charge will be at least \$2.00 per map to print.

A motion was made by Councilman Vara and was seconded by Councilman Murtha to raise the price of town maps from \$1.00 to \$2.00 per map.

five (5) Ayes

Carried

Councilman Vara has received pricing from Dick's Sporting Goods to put in Gorilla backboards that will last a lifetime. They will deliver and assemble the units. Two goals will be installed and the cost will be \$3,546.98

A motion was made by Councilman Vara and seconded by Councilman Murtha to approve the installation of the two goals to improve the basketball courts at a cost of \$3,546.98.

five (5) Ayes

Carried

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to adopt the minutes of the March 6, 2013 regular meeting.

five (5) Ayes

Carried

A motion was made by Councilman Murtha and seconded by Councilman Boardway, upon review by the Town Board, that fund bills on the Abstract dated March 14, 2013 in the amount of \$298,299.43 be paid.

five (5) Ayes

Carried

Mitch Martin of Senator Gallivan's office and resident of the Town of Boston noted that Supervisor Ballowe should be receiving a letter from the NYSDOT in response to the request for speed reduction from Rt. 391 and Zimmerman to the 219. A copy was also forwarded; they are doing research on it. As a resident, Mr. Martin gave Town Clerk Mulé a request to be on the Planning Board as a regular member or alternate.

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Judy Rados inquired if the County could look into the intersection of 391 and Zimmerman and the turning lane. The markings on the road need to be remarked for the right turning lane. She asked if a sign could be installed marking the right lane as a right turn only lane.

A motion was made by Supervisor Ballowe and seconded by Councilman Murtha to authorize Town Clerk Mulé to attend the NYS Town Clerk's Association Conference at the Hyatt Regency in Buffalo on April 28th at a cost of \$125.

five (5) Ayes

Carried

A motion was made by Supervisor Ballowe and seconded by Councilman Genzel to approve the Transfer of Appropriations as follows:

GENERAL FUND:

<u>FROM:</u>	<u>Acct.</u>	<u>Debit</u>	<u>Credit</u>
Appropriation s	A 0960	0.00	
Estimated Revenues	A 0510	103,793.00	
Nonpropety Tax Distribution	A 1120		103,793.00
Contingency Acct.	A1990.4		0.00
		<u>103,793.00</u>	<u>103,793.00</u>

<u>TO:</u>	<u>Acct.</u>	<u>Debit</u>	<u>Credit</u>
Appropriation	A 960		103,793.00
Court-Contractual	A1110.4	126.00	
Supervisors-Contr	A1220.4	10.00	
Town Clerk-Contractual	A1410.4	343.00	
Buildings-Per Svc.	A1620.1	23.00	
Highway-Admin	A5010.4	417.00	
Street Lighting	A5182.4	2,532.00	
Parks-Per Svc.	A7110.1	1,583.00	
Parks-Equip.	A7110.2	1,879.00	
Play & Rec Ctr-Per Svc.	A7140.1	70.00	
Youth Program-Contr.	A7310.4	2,925.00	
Celebrations-Contr.	A7550.4	1,643.00	
Drainage-Contr.	A8540.4	91,860.00	
Unemployment Insurance	A9050.8	382.00	
			103,793.00
		<u>103,793.00</u>	<u>103,793.00</u>

five (5) Ayes

Carried

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A motion was made by Councilman Vara and was seconded by Councilman Boardway to approve the Use of Facility Application from Karen Woch for Saturday, May 25, 2013 from noon until 6 pm.

five (5) Ayes

Carried

**CONTRACT WITH
BOSTON HISTORICAL SOCIETY, INC.**

THIS AGREEMENT, made the ____ day of _____ 2013, between the **TOWN OF BOSTON**, Erie County, New York hereinafter referred to as the **TOWN** and **BOSTON HISTORICAL SOCIETY, INC.**, a New York membership corporation of the State of New York, hereinafter referred to as the **SOCIETY**.

WHEREAS, the **SOCIETY** desires to furnish the following services for the benefit of the **TOWN** and its residents consisting of the preservation and protection of places, buildings, works of art, and other objects of historical value having special character or aesthetic interest or value to the history of the **TOWN**; and

WHEREAS, the Town Board of the Town of Boston, pursuant to the authority granted to it in Section 64, Subdivision 17(a) of the Town Law, has heretofore appropriated a sum of money to carry out the purposes of this Agreement and to enable the **SOCIETY** to carry out activities and to render such services and aid for the term of this Agreement.

NOW, THEREFORE, the **TOWN** does hereby engage the **SOCIETY** for a one (1) year period, retroactively commencing on January 1, 2013, and terminating on December 31, 2013, to render services for the benefit of the **TOWN** and its residents for the preservation and protection of places, buildings, works of art, and other objects of historical value having a special character or aesthetic interest or value to the history of the Town of Boston, pursuant to the authority granted by Section 64, Subdivision 17(a) of the Town Law. The Town shall pay to the **SOCIETY** the sum of Four Thousand Five Hundred (\$4,500.00) Dollars in 2013.

The **SOCIETY** further agrees to furnish the Town Board of the Town of Boston a written statement of its disbursements and expenses, not later than September 20, 2013.

The **TOWN** shall have no liability under this Agreement to the **SOCIETY** or anyone else beyond funds appropriated and available for this Agreement.

IN WITNESS THEREOF, the parties hereto have set their hands and seals the day here above written.

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A motion was made by Councilman Murtha and seconded by Councilman Vara to approve the Boston Historical Society contract for 2013.

Supervisor Ballowe	Aye	Councilman Boardway	Aye
Councilman Genzel	Nay	Councilman Murtha	Aye
Councilman Vara	Aye		

four (4) Ayes

(1) one Nay

Carried

Councilman Boardway noted that he voted yes but with reservations. He noted that the budget is the same as it was last year and specifically in it states deadlines when their budget must be presented to the town and this was not done. Because of this, the budget must now be altered to reflect the \$500 increase. Councilman Boardway believes the Historical Society needs to follow the terms of their contract and come to the Town Board in September to put forth this request. He stated he would like to see the leadership of the Historical Society step up and participate in future town functions to promote the Historical Society.

Councilman Genzel who is a lifetime member of the Boston Historical Society commented that he voted no because their request was made after the budget had been put in place and doing so after the budget was completed was irresponsible.

Councilman Genzel noted that on the north side of Holiday Drive there is a 5-foot strip of land that was deeded to the Town of Boston back in 1975 and was never dedicated as a right-of-way. A Town of Boston resident owns land and would like to sell a lot and they have to cross the town's strip of land before they can get to theirs.

Councilman Genzel read the following consent In the Matter of widening the Right of Way on the northern side of Holiday Drive in the Town of Boston, County of Erie and State of New York

Upon the reading of the Deed in the above-entitled matter, dated the 28th day of July 1975 and recorded in the Erie County Clerk's Office in the book of Deeds at Liber 8307 page 69, wherein the owners of said lands described therein have released the same to the Town of Boston and its Highway Superintendent for highway purposes;

NOW, THEREFORE, BE IT RESOLVED, that consent be and the same hereby is given to the Town Superintendent of Highways of the Town of Boston to make an Order laying out the lands described in said deed dated the 28th day of July 1975 by widening the right of way on the northern side of Holiday Drive by five (5) feet for highway purposes, in accordance with the provisions of the Highway Law and other statutes applicable thereto. TOWN BOARD OF THE TOWN OF BOSTON

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A motion was made by Councilman Genzel and seconded by Councilman Murtha to give consent to Highway Superintendent Telaak in the matter of widening the Right of Way on the Northern side of Holiday Drive in the Town of Boston.

five (5) Ayes

Carried

Councilman Genzel read the following Order in the matter of widening the right of way on the northern side of Holiday Drive in the Town of Boston, County of Erie and State of New York:

A deed dated the 28th day of July 1975 and recorded in the Erie County Clerk's Office in the book of Deeds at Liber 8307 page 69 of certain lands described therein for highway purposes in the Town of Boston including that portion herein below described, having been filed with the undersigned, together with the written consent of the Town Board of Boston, being endorsed thereon and attached thereto,

NOW, THEREFORE, I, Robert J. Telaak, as Superintendent of Highways of the Town of Boston, County of Erie, State of New York, do hereby;

ORDER that the lands described hereinafter be and the same hereby are laid out as being added to Holiday Drive as an additional right of way and accepted as an addition to the public highway of the Town of Boston, County of Erie, State of New York;

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Boston, County of Erie and State of New York, being part of Lot No. 4, Township 8, Range 7 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the centerline of Hamburg-Springville Road (U.S. Rote 219) and the northerly line of lands shown on a map entitled "Holiday Village Subdivision" filed in the Erie County Clerk' Office under Cover No. 1933; running thence easterly along the northerly line of lands under Cover No. 1933, said line being parallel with and 1364.22 feet southerly from the north line of Lot No. 4 and also being the line established by Boundary Line Agreement recorded in the Erie County Clerk's Office in Liber 5671 of Deeds at page 104 a distance of 1296.53 feet to the northwest corner of Subdivision Lot No. 47 under Cover No. 1933; thence southerly along the westerly line of said Subdivision Lot No. 47 a distance of 5.13 feet to the northerly line of Holiday Drive (50 feet wide) as shown on said Cover No. 1933; thence westerly along the northerly line of Holiday Drive and its extension westerly, being 5 feet southerly from, measured at right angles thereto and parallel with the northerly line of Map Cover No. 1933 a distance of 1296.53 to its intersection with the center line of Hamburg-Springville Road (U.S. Route 219); thence northerly along the center line of Hamburg-Springville Road (U.S. Route 219) a distance of 5.13 feet to the point or place of beginning; which be attached to and become part of Holiday Drive.

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Highway Superintendent Telaak noted he is willing to accept that part of Holiday Drive as a part of Town of Boston highway.

A motion was made by Councilman Genzel and seconded by Councilman Boardway to authorize Highway Superintendent Telaak to sign the consent in the matter of widening the right of way on Holiday Drive.

five (5) Ayes

Carried

Town Attorney reported that once the Consent and Order are signed, an original will be filed in the Town Clerk's Office and the Erie County Clerk's Office.

A motion was made by Councilman Vara and was seconded by Supervisor Ballowe to approve the Use of Facility Application from Charlotte Avenue PreK for graduation ceremony, Friday, June 14, 2013, from 8 am to 2:30 pm.

five (5) Ayes

Carried

A motion was made by Councilman Genzel and seconded by Councilman Vara to appoint Cheryl Dunmire as Assistant Nutrition Director, PT at a salary of \$10.15 per hour, term to expire December 31, 2013.

five (5) Ayes

Carried

A motion was made by Councilman Boardway and seconded by Councilman Genzel to approve the 2012 Service Award points for the North Boston Fire Company.

five (5) Ayes

Carried

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

Town Clerk Mulé announced that on Saturday, March 23rd from 9am to 3 pm there will be a car seat safety check at the Emergency Squad Hall.

Highway Superintendent Telaak reminded residents that Spring brush pick up will begin on April 1.

Highway Superintendent Telaak noted that he attended the Consolidated Highway Improvements Program (CHIPS) funding meeting in Albany. The Town of Boston receives money from NY State yearly and he is hoping the amounts will increase from last year.

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Town Attorney Kobiolka noted that he has worked on Historical Society Contract, the transfer and widening of Holiday Drive. He met with the building inspector on several matters and with the Planning Board Chairman. Town Attorney Kobiolka noted that members are needed for the Planning Board and Zoning Board of Appeals and requested that the Town Clerk advertise.

Councilman Murtha noted there would be a public meeting at the town hall on Wednesday, April 4th at 6 p.m. held by Erie County Soil and Water and will discuss drainage and erosion issues in the Town of Boston.

Councilman Murtha met with local boy scouts and discussed merit badges.

Councilman Murtha noted he received a letter from the NYS Department of Transportation stating they received the requests for our traffic study requests.

Councilman Murtha noted that a Highway work permit from Erie County is needed and we have to find proof the fire company owns those utility poles before we can remove them. Highway Superintendent Telaak has agreed to take them down once we receive something in writing to protect the town from any litigation.

Councilman Genzel as Engineering Liaison reported that the Town of Boston did not receive the block grant this year for the Mill Street, 2nd phase. We now have a preference point for 2014. This project is essential in relieving the flooding on Boston Cross Road. At this time there is a pipe goes through St. John's Church property, there is not an easement. If there is a collapse in those pipes it will be costly to the town. This drainage comes down Boston Cross Road and through the churches property into an open ditch across Boston State Road and dumps out behind Dye Insurance and Ray Worth. Since 1994 this has caused major erosion because of the amount of water. It is like the Grand Canyon behind these houses.

Councilman Genzel noted that the Erie County Soil and Water Conservation District meeting on April 4th is for the stakeholders. The town has received four new projects for bank stabilization and erosion control this year. They will be going forward in 2013 and one of them is behind that house to stabilize the erosion that has gone on from that concentration. With the grant for Mill Street the water will be diverted straight to the Eighteen Mile Creek.

Councilman Genzel reported that Town Engineer Hannon has a request from New York State to get the bin number for the Bridge on Hillcroft. There is a file of all inspections that on all the bridges in the state. Town Engineer Hannon is a structural Engineer and has done inspections on many bridges throughout different counties in New York. Once Town Engineer Hannon receives that file he will come and inspect the Hillcroft Bridge and make

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Councilman Genzel Cont'd: sure it is safe for this community. Councilman Genzel reiterated that many calls have been made to Legislator Mills and Erie County Highway.

Councilman Genzel has asked Town Engineer Hannon to put together a cost estimate for the extension of the waterline from Shero Road to Back Creek.

Councilman Genzel as Planning Board Liaison reported a work session on March 12 the meeting was cancelled due to lack of agenda. Next meeting is March 26th at 7:30 p.m. The next Zoning Board of Appeals meeting will be April 4 at 7:15 p.m.

Councilman Genzel as Boston Community Foundation Liaison reported more donations were received for the July 4 fireworks. Anyone wishing to donate can send it to Supervisor Ballowe's office.

Councilman Genzel as Affirmative Action and Fair Housing Officer noted for the town to receive grant money he must attend a Fair Housing training session on April 9th at the Orchard Park town hall.

Councilman Genzel noted that he is working on quotes for new gutters for the Lion's Shelter.

Councilman Genzel noted he attended the Fire Study meeting at the Patchin Fire Hall.

Councilman Genzel noted we are always looking for quality members for all the boards.

Councilman Boardway noted he also attended the Fire Study meeting this past Saturday which was identical to the presentation he attended in November of 2012. There did not seem to be many changes since then. It was stressed that the relationship between the Town Board and the fire companies need to be strengthened. Because he was interviewed during this process, he noted that his opinion was blown out by the attendance at this presentation. Other than the people directly involved with this study there were only four residents that attended this presentation. This is a point that we, the Town Board, are willing to work on with the fire services to try and bring some awareness around town as to what goes on.

Councilman Boardway noted that the Penflex plan is getting very expensive and at some point a decision has to be made on how we want to continue the service award program.

Councilman Boardway noted that he and the Town Board listened to a proposal from Sean Crotty and Gene Wieckowski, Town of Boston's Emergency Preparedness officer on a notification system called "Code Red" that would allow town residents to be notified via telephone, text messages, email messages as to any important information going on in town whether it be a lost child, a road closure, fire or any other type of natural disaster.

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The Town Board is going to review this over the next few months and see what we can do with it.

Councilman Vara reported he is looking into new lighting for the tennis courts. He also has met with the paver for resurfacing. Councilman Vara noted that the scenic byway sign is now ready for placing.

Councilman Vara as the Senior Group liaison noted that there is a need for more lunch participation.

Councilman Vara reported that he also attended the fire study wished more people had attended because fire protection is an important part of the town.

Councilman Vara noted he attended the Erie County Water Authority meeting. The Eighteen Mile Creek is one of the highest priorities for this service. He gave the ranking sheet for next year to Supervisor Ballowe.

Councilman Vara will talk with the principal at Boston Valley Elementary about participation in the Coca Cola Rain Barrel decoration contest.

Councilman Vara reminded residents about the annual Fishing Derby on May 11, 2013 and Environmental Awareness day will be September 21, 2013.

Supervisor Ballowe noted that he also attended the fire study and stated that the Town Board looks forward to working with the fire companies. He stated the Town Board works on the financial end and what affects our residents every day. We have to provide solid fire and ambulance service to our community and keep it at a reasonable cost. We will work with the fire companies to not have to ask the taxpayers for more money than we have to.

Supervisor Ballowe noted that he attended a few Code Red meetings and the Town Board will review and decide whether it fits the needs of this town.

Supervisor Ballowe noted that he has been working on getting the chairs reupholstered and the concrete around the Bocce Ball court.

Supervisor Ballowe reported that because of the accident that took place this past summer with the dump truck, the town will have concrete Ballard's installed as a future precaution.

Supervisor Ballowe noted that Congressman Collins will be using the town hall as a floating office to hold meetings. Supervisor Ballowe feels this is a plus to have this representation here at the town hall.

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Supervisor Ballowe noted that Councilman Murtha will continue to work on the Mill Street drainage project.

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

five (5) Ayes

Carried

JENNIFER A. MULÉ, BOSTON TOWN CLERK