

**REGULAR BOARD MEETING
MAY 15, 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.

Supervisor Ballowe noted that the lower level air conditioning unit of the town hall expired last year.

The following bids were received for the replacement of the Air Conditioning unit for the lower level of the town hall:

Trane	\$7,985	Tri-R Mechanical	\$6,350	Vastola Heating & AC	\$5,920
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A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to award the bid of \$5,920 from Vastola Heating and Air Conditioning for the replacement of the Air Conditioning Unit at the Town Hall.

five (5) Ayes Carried

A motion was made by Councilman Murtha and was seconded by Supervisor Ballowe to schedule a bid opening for the Eighteen Mile Creek Selective Clearing for Tuesday, June 18, 2013 at 10 a.m.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilman Murtha to adopt the minutes of the May 1, 2013 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 May 9, 2013 in the amount of \$95,682.95 be paid.

five (5) Ayes Carried

Bryant Burns, Chestnut Lane inquired about the survey stakes at the end of his road.

Supervisor Ballowe noted that the road will be straightened out and a turnaround will be put in for the plows.

Bryant Burns noted he did not understand the validity of extending the road.

Supervisor Ballowe noted that the plow drivers have trouble turning around and have to back down the road.

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Councilman Genzel noted that Bob Telaak owns property in that area and is donating some land to the town for a turnaround that can easily be utilized by Highway and Emergency Vehicles.

Bryant Burns inquired if Bob would have access to his property with that extension.

Supervisor Ballowe stated no that he has access on the road below.

Councilman Genzel noted he would touch on it from the south.

Bryant Burns stated that as of right now Mr. Telaak's property does not touch it. The road would have to be extended considerably to get to where his property is.

Councilman Genzel stated that Bob's property touches the paper street.

At 7:40 p.m. a Public Hearing was held to hear comments regarding Proposed Local Law No. 1 of the year 2013 to rezone 7849 Boston State Road, which contains approximately .158 Acres +/- of land [SBL No. 226.02-6-2.1] from C-1 (Local Retail Business District) to C-2 (General Commercial District).

Supervisor Ballowe read the legal notice.

There were no public comments.

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

five (5) Ayes

Carried

A motion was made by Councilman Boardway and was seconded by Councilman Murtha upon the recommendation of the Town Engineer, James Hannon, that the Town Board has classified the Rezoning of Schreiber and Winkleman, [SBL No. 226.02-6-2.1] located at 7849 Boston State Road, to Rezone approximately 1.58 acres from C-1 (Local Retail Business District) to C-2 (General Commercial District) as an unlisted action under SEQR and therefore declare lead agency status.

five (5) Ayes

Carried

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**LEGAL NOTICE
TOWN OF BOSTON
NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Boston Town Board, Erie County, New York, will hold a Public Hearing at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on Wednesday, May 15, 2013 at 7:40 PM, Eastern Prevailing Time, to consider the Rezoning Application of Schreiber and Winkleman, 7849 Boston State Road, of 1.58 acres from C-1 (Local Retail Business District) to C-2, (General Commercial District), Proposed Local Law No.1 of the year 2013. The property is described as follows:

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 14, Township 8, Range 7 of the Holland Land Company's Survey bound and described as follows:

BEGINNING at a point of intersection of the centerline of the Hamburg-Springville Road with the northerly line of lands conveyed to Henry J. Ernst by deed recorded in the Erie County Clerk's Office in Liber 388 of Deeds at page 211 thence easterly along the northerly line of said lands 99.32 feet to the southwesterly line of lands conveyed to the Buffalo and Susquehanna Railway by deed recorded in Erie County Clerk's Office in Liber 997 of Deeds at page 157; thence southeasterly along said southwesterly line, a distance of 675.50 feet, more or less to an iron in the centerline of the former State Road (now abandoned); thence southwest-erly at an interior angle measured at 135° 06' 58" a distance of 68.07 feet to the northerly line of the "Bowers Farm", so called; thence westerly at an interior angle of 108° 59' a distance of 163.09 feet to the centerline of the Hamburg-Springville Road thence northerly at an interior

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A motion was made by Councilman Boardway and was seconded by Councilman Genzel upon the recommendation of the Town Engineer, James Hannon, that Town Board as lead agency, has determined that after taking a long hard look into the Rezoning of Schreiber and Winkleman, [SBL No. 226.02-6-2.1] located at 7849 Boston State Road, to Rezone approximately 1.58 acres from C-1 (Local Retail Business District) to C-2 (General Commercial District) and the site plan submitted by Schreiber and Winkleman received and dated April 2, 2013, and find that the proposed action will not have a significant impact on the environment, and declare a Negative Declaration and that no further action is required per 6 NYCRR part 617.

five (5) Ayes

Carried

A motion was made by Councilman Boardway and was seconded by Councilman Murtha to adopt Local Law No.1 of the Year 2013 (Proposed Local Law #1-2013 Entitled A Local Law to Rezone 7849 Boston State Road which contains approximately 1.58 acres from C-1 (Local Retail Business District) to C-2 (General Commercial District).

five (5) Ayes

Carried

A motion was made by Councilman Boardway and was seconded by Councilman Vara to approve the site plan submitted by Schreiber and Winkleman received and dated April 2, 2013.

five (5) Ayes

Carried

Supervisor Ballowe reopened requests from the floor and discussion continued about the turnaround issue of Chestnut Lane.

Larry Cornwall, N. Greenbriar Terrace commented on the runoff that goes by his house and issues with a cracked abutment and road erosion. While he was on vacation the town came through and took a 45-degree angle across his front yard. Now, when it rains, instead of it draining, it just sits in a swale right across his yard. He questioned why stone was not put in and the area was not graded and re-seeded?

Supervisor Ballowe noted that Councilman Murtha is in charge of drainage and he will come out and look at the situation.

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angle of 106° 33' and along the centerline of said road a distance of 697.50 feet to the point or place of beginning containing 2.3 acres, more or less, as shown on a survey prepared by Freeman and Freeman, dated June 29, 1989 and attached

EXCEPTING all that tract or parcel of land, situate in the Town of Boston, County of Erie, State of New York and being part of Lot No. 14, Township 8, Range 7 of the Holland Land Company's Survey, and being further bounded and described as follows:

BEGINNING at a point of intersection of the centerline of the Hamburg-Springville Road (66.0' wide) with the north line of lands conveyed to Henry J. Ernst by deed recorded in the Erie County Clerk's Office in Liber 388 of Deeds at page 211; thence easterly along the said north line of lands conveyed to Ernst at an interior angle of 74° 00' 46" with the said centerline of Hamburg-Springville Road a distance of 75.46 feet to the southwest line of lands conveyed to Niagara Mohawk Power Corporation, said southwest line also being the southwest line of the Buffalo-Susquehanna Railway by deed recorded in the Erie County Clerk's Office in Liber 997 of Deeds at page 157; thence southeasterly along the said southwest line of lands conveyed to Niagara Mohawk Power Corporation on a curve to the left having a radius of 5,779.65 feet, an arc length of 123.44 feet to the southeast corner of a permanent easement conveyed to the New York State Department of Transportation as recorded in an appropriation map in Liber 9002 of Deeds at page 240 and as shown on Map 86, Parcel No. 101; thence westerly along the south line of said lands conveyed to the New York State Department of Transportation and its extension westerly a distance of 91.54 feet to the said centerline of the Hamburg-Springville

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Barbara Moore, Liebler Road stated that at the May 1st Town Board meeting Councilman Boardway stated he met with representatives from a couple of the Fire Companies on April 26th and asked Supervisor Ballowe when he was aware of that meeting.

Supervisor Ballowe stated he met with the Councilman Boardway on the 25th or 26th.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe on the recommendation of Recreation Director Zeniuk, to appoint the following to the Summer Recreation Program, terms to expire 8/19/13:

<u>Name</u>	<u>Position</u>	<u>Hourly Rate</u>
Melissa Abbotoy	Site Supervisor	\$10.50
Taylor Janak	Site Supervisor	\$10.50
Max Accordino	Counselor	\$ 8.00
David Diefenbach	Counselor	\$ 8.00
Courtney Gorrell	Counselor	\$ 8.00
Elizabeth Janak	Counselor	\$ 8.00
David Kleis	Counselor	\$ 8.00
Brianne Peterson	Counselor	\$ 8.00
Katelin Selby	Counselor	\$ 8.50
Neil Byrne	Counselor	\$ 8.00
Kaelyn Gamel	Counselor	\$ 8.00
Nicholas Janak	Counselor	\$ 8.00
Andrew Laskowski	Counselor	\$ 8.00
Sarah Telaak	Counselor	\$ 8.50
Katelin Kleis	Substitute Counselor	\$ 8.00
Julie McCann	Substitute Counselor	\$ 8.00
Courtney Miller	Substitute Counselor	\$ 8.00
Kelly Telaak	Substitute Counselor	\$ 8.00
Mary Tomani	Substitute Counselor	\$ 8.00

five (5) Ayes

Carried

A motion was made by Councilman Vara and was seconded by Councilman Boardway to approve the Application for Live Entertainment License to Couzins, 7115 Boston State Road, license to expire June 30, 2015.

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

Four (4) Ayes

(1) One Abstain

Carried

Road; thence northerly along the said centerline of Hamburg-Springville Road at an interior angle of 90° 04' 34" a distance of 142.62 feet to the point or place of beginning and containing 0.25 acres more or less; as shown on a survey prepared by TVGA dated July 7, 1995.

At this hearing, at the time and place above noted, all interested persons will be heard for or against said petition.

DATED: APRIL 19, 2013
PUBLISHED: APRIL 25, 2013

BY ORDER OF THE TOWN BOARD
JENNIFER A. MULÉ,
TOWN CLERK

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

Town Clerk Mulé reported the next blood drive will be June 11, 2013 from 2:30 pm to 7 pm in the Community Room.

Town Clerk Mulé also reported the annual Trooper Brinkerhoff 5k race will be June 15, 2013. Registration starts at 8 am race begins at 10 am.

Councilman Murtha reported that the Historical Society will now be open the 2nd and 4th Sunday of every month through October from 2 pm to 4 pm. There will also be a Knitting club every Tuesday starting July 16 through August 13, 2013, more information to come.

Councilman Murtha reported that he will be attending the Pollution Prevention/Good Housekeeping for Municipal Operations training on Friday.

Councilman Genzel as Engineering Liaison reported he has received a cost analysis and engineering design from Town Engineer Hannon for new sewer lines at the North Boston Park. The hope is to have this project bid out for completion before the fall soccer leagues begin.

Councilman Genzel noted that the Boston Valley Storage project is underway.

Councilman Genzel as Planning Board Liaison reported the next Planning Board meeting will be May 28, 2013 at 7:30 pm. The next Zoning Board of Appeals meeting will be June 6, 2013 at 7:15 pm. There will be a Training opportunity for our Planning Board and Zoning Board of Appeals members on May 21, 2013 at 7 pm in the Community Room. If the Supervisor or Councilman would like to attend please contact Planning Board member, Paul Ziarnowski.

Councilman Genzel as Boston Community Foundation Liaison reported that on the back of the Memorial Day flyer is information for the July 4th celebration. Donations will be accepted until July 4th and can also be mailed to the Supervisor's office.

Councilman Genzel reported that restoration of the Lion's Shelter continues. The painting is finished and the Stone for the pillars has been ordered.

Councilman Genzel attended the Fishing Derby. There were over 90 participants.

Councilman Genzel reported Patchin Fire Company will hold their meat raffle on Saturday, May 18, 2013 at 8 pm.

Councilman Boardway as Recreation Liaison noted that the past two years of the Summer Concert Series have been completely covered by sponsorships and are on our way to that again this year. We have already received \$2,150 in donations from the following businesses:

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Backyard Barn
Rucker Lumber
Jennifer Warren-State Farm
G&W Plumbing
Connie Miner, Grant Writer
Boston Lion's Club

Bella Pizza
Capital Markets Advisors
Valley Fab
Emerling Chevrolet
Southtown's Feeds

Boston Animal Hospital
Hamburg Overhead Door
Evans Bank
Alfred Dye Insurance
Three Girls

Councilman Boardway addressed Barbara Moore's question to Supervisor Ballowe regarding the meeting with the Fire Companies. He stated that he schedules his own meetings and does not need anyone's permission to do so.

Barbara Moore stated that the reason she asked was because she was confused because of a previous conversation she had with Supervisor Ballowe.

Councilman Vara reported he hopes to have the basketball backboards replaced very soon and is still working on having the courts resurfaced.

Councilman Vara noted he attended the NEST meeting on May 9th. There will be a Hazardous Household waste drop off on Saturday, May 18, 2013 from 9 am to 2 pm at ECC North Campus and one on June 15, 2013 from 9 am to 2 pm at ECC South Campus. Information will be posted on the Town of Boston's website.

Councilman Vara reported NYS Assembly Bill number AO5999 and Senate Bill number SO4781 which deals with Recycling practices across New York State can be found online.

Councilman Vara reported the Scenic By-Way Sign should be installed back by the town park pond.

Councilman Vara reported he attended the fishing derby.

Councilman Vara encouraged all seniors to participate in the daily lunch program in the community room.

Supervisor Ballowe reported the concret is finished around the bocce ball court.

Supervisor Ballowe reported the first phase of the concrete down at the Boston Commons was poured today. The landscaping will begin shortly.

Supervisor Ballowe invited everyone to the Memorial Day Service on Monday, May 27th, parade starting at 1 pm with the main program beginning at 1:15 p.m. at the CPL David Finger Memorial behind the town hall.

Supervisor Ballowe reported that Congressman Chris Collins will be hosting a coffee hour on Saturday, May 25, 2013 from 10 am to 11 am in the Town Hall Community Room.

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Supervisor Ballowe noted that all the Town Board members have been busy with their assigned projects. He stated that he does not have a problem with any of the Councilman going to meetings or doing what they are supposed to be doing. Each one brings back what they have learned and it is discussed in an open forum where we try to make educated decisions that best fit the taxpayers.

A motion was made by Supervisor Ballowe and seconded by Councilman Murtha to adjourn the meeting at 8:11 p.m.

five (5) Ayes

Carried

JENNIFER A. MULÉ, BOSTON TOWN CLERK