

**REGULAR BOARD MEETING
APRIL 2, 2014**

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

Present: Supervisor Martin A. Ballowe, Councilmen Jay P. Boardway, Jeffrey A. Genzel, Gary E. Vara and Lawrence A. Murtha.

Also Present: Town Attorney Kobiolka and Highway Superintendent Telaak.

A motion was made by Councilman Boardway and seconded by Councilman Murtha to adopt the minutes of the March 5, 2014 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilman Murtha to adopt the minutes of the March 19, 2014 regular meeting.

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

four (4) Ayes one (1) Abstain Carried

Councilman Genzel: "Folks, I didn't receive the minutes in time to review them, so I'm abstaining from the vote".

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 March 27, 2014 in the amount of \$44,919.72 be paid.

five (5) Ayes Carried

Received and filed correspondence from Erie County Water Authority for Notice of Claim, New Valve Installation.

Received and filed correspondence from NYS Department of Transportation regarding reconstruction of 219 at Route 39 and continuing North 13.5 miles to Route 391.

The following persons were heard:

John Anthone, 7223 Boston State Road expressed his concern regarding the debris that plugged the culvert in the area of the old North Boston Fire Hall in the spring of 2011 that caused flooding to several of the homes. He noted that most of that debris is still in the culvert. He requested the Town Board draft a law that prohibits dumping in the drainage.

Supervisor Ballowe stated he emailed Legislator John Mills regarding that restoration project and that the trash racks have not been installed yet.

Councilman Murtha asked if there was any discussion as to who was to maintain that trash rack.

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Mr. Anthonie agreed to have his employees pick the debris out of the trash rack. He noted he received a contract from Erie County requesting that he accept personally liability for the repair, maintenance and replacement of the trash rack. In addition this contract wanted him to personally guarantee that if any water back up or damage occurred he would be personally liable. He passed on that opportunity, and did not sign that contract. His attorney has placed the county attorney on notice that if anything happens to anyone in that area, the county will be liable.

Councilman Genzel noted that the Town Board had attempted to put a law on record for the maintenance of abandoned houses, ditches, etc., but ran into opposition. He stated that the Town Board will have to discuss the possibility of readdressing this issue.

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to close the floor.

five (5) Ayes Carried

A motion was made by Councilman Vara and was seconded by Councilman Murtha to approve the Use of Facility Application from Donald Buckley, Chairman of the Conservation Advisory Council for Environmental Awareness Day on September 20, 2014 from 7 am to 2 pm.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Murtha to approve the Use of Facility Application from Richard Helmbrecht, Boy Scout Troop 491 for Flag Day on June 14, 2014 at 3 pm.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Supervisor Ballowe to approve the Use of Facility Application from Keith Pelkey, representative for the class of 1994 for a picnic/reunion on July 20, 2014 at from 10 am to 5 pm.

five (5) Ayes Carried

A motion was made by Councilman Vara and was seconded by Supervisor Ballowe on the recommendation of the Conservation Advisory Council to reappoint Michael Monin as a regular member, term to expire 3/1/2017.

five (5) Ayes Carried

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A motion was made by Councilman Genzel and was seconded by Councilman Boardway on the recommendation of the of the Zoning Board of Appeals to reappoint Beverly E. Kent as a regular member, term to expire April 1, 2019.

five (5) Ayes

Carried

The following quotes were received for the insulation project at the New York State Troopers Barracks at 8555 Boston State Road:

Urban Insulation	\$ 6,876.00	Catara Insulation	\$ 8,337.50
Franks Dr. Energy & Electric	\$10,856.00	Buffalo Insulation	\$15,000.00

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to award the bid for the State Troopers Barracks insulation project to Urban Insulation at a cost of \$6,876.00.

five (5) Ayes

Carried

RESOLUTION 2014-07

**ESTABLISH THE BUILDING AND PARKS CAPITAL
RESERVE FUND**

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

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

SECTION 1. That under Section 6-c of the General Municipal Law there be and hereby is established additional capital reserve fund in the amount of One Hundred Thousand Dollars and 00/100 (\$100,000.00) for Buildings and Parks.

SECTION 2. That the funds currently retained in the Building and Parks Capital Reserve as of 2/28/14, in the amount of \$34,804.64, which was established October 17, 2012 shall be retained in the Building and Parks Capital Reserve Fund.

SECTION 3. That in addition to the \$34,804.64, the estimated costs of future purchases of Building and Parks Capital are \$100,000, for a total of \$134,804.64.

SECTION 4. The Supervisor, in his or her discretion, may invest the monies in the Fund pursuant to Sections 10 and/or 11 of the General Municipal Law of the State of New York and the Investment Policy of the Town of Boston. Any interest earned or capital gains realized on the monies so deposited or invested shall accrue to and become part of the Fund.

SECTION 5. No expenditure shall be made from the Fund except by authorization of the Town Board of the Town of Boston pursuant to the provisions of Section 6-c of the General Municipal Law of the State of New York.

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

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

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

AYES: 5 NOES: 0 EXCUSED: 0

**RESOLUTION 2014-08 A RESOLUTION ESTALISHING THE HIGHWAY
EQUIPMENT RESERVE FUND OF THE TOWN OF
BOSTON UNDER §6-c OF THE GENERAL MUNICIPAL
LAW**

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

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

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

SECTION 2. That the funds currently retained in the Highway Equipment Reserve Fund as of 2/28/2014 which was established by Resolution on October 17, 2012 in the amount of \$81,385.94 shall be retained in the Highway Equipment Reserve Fund.

SECTION 3. That in addition to the \$81,385.94, the estimated costs of future purchases of Highway Equipment are \$75,000, for a total of \$156,385.94.

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

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

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

Ayes: 5 NOES: 0 EXCUSED: 0

RESOLUTION 2014-09 STATUS OF TOWN ROADS

Councilman Boardway presented the following Resolution and moved its adoption:

WHEREAS, questions have arisen regarding the status of various Town roads including Hillside Drive and Chestnut Lane in the Town of Boston; and

WHEREAS, the Town of Boston has requested that the Town Attorney review the status of Hillside Drive and Chestnut Lane and advise the Town Board as to its responsibility for maintenance, repairs, plowing and public use; and

WHEREAS, the Town Attorney has prepared a report dated March 19, 2014 and presented to the Town Board.

NOW THEREFORE BE IT

RESOLVED, that the report of the Town Attorney dated March 19, 2014 be accepted in its entirety; and, be it further

RESOLVED, that a copy of the report of the Town Attorney dated March 19, 2014 be placed in each of the road files maintained in the Town Clerk's Office and a copy provided to the Highway Superintendent.

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

AYES: 5 NOES: 0 ABSENT: 0

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to table the request for rezoning for the Boston Luxury Apartment project from CRC Engineering and refer it to Town Attorney Kobiolka for his review.

five (5) Ayes

Carried

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Town Clerk Mulé reported on the following:

- Next blood drive will be Tuesday, April 15th, from 2:30 pm to 7:00 pm in the Town Hall Community Room. All donors will receive a coupon for a Free small pizza from Bella Pizza.

Highway Superintendent Telaak reported on the following:

- CHIPS funding will be increased between \$8,000 and \$9,000 dollars this year. This will be the second year in a row to receive an increase.
- All town roads should be swept by the end of this week.
- Brush pick up continues.

Town Attorney Kobiolka had no report.

Councilman Murtha reported on the following.

- The Boston Historical Society will hold its annual clean up Saturday, April 26 Starting at 10 a.m. and a potluck dinner on Tuesday, April 29 starting at 6 p.m., with a speaker at 6:45 p.m.

Councilman Genzel reported on the following:

- Working with Town Engineer Hannon to build a shelter off the salt barn to store equipment. Also looking at re-designing the shelter at the North Boston Park and doing some work for the football field and new soccer fields.
- Fire calls for the month of March as follows: Boston—5, N. Boston—7 Patchin—8, Emergency Squad - 26
- All fire company physicals have been completed.
- Will be attending the Patchin Fire Company Installation Dinner on Saturday.
- Boston Fire Company's annual Gun Raffle will be April 5.
- Condolences to the Mead family on the passing of former councilman Dennis Mead.

Councilman Boardway reported on the following:

- Joined Councilman Genzel in remembering the passing of Dennis Mead.
- Attended the Planning Board meeting.
- Town of Boston pays for work done at the State Police Barracks because we own it and are responsible for the maintenance of it.
- Assemblyman DiPietro along with Sheriff Howard will be having a seminar at the Joylan theater in Springville on April 14 from 6 pm to 9pm to discuss the Safe Act.

Councilman Vara reported on the following:

- Obtained prices for replacing the backboards for the South Boston Playground.
- Waiting to receive the contract for the refinishing of the tennis courts.
- Erie County Department of Health now has a drop off for Syringe/Medical Waste and Un-needed Medication Disposal Dual Kiosk in the lobby of the Town of Hamburg Police.

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Supervisor Ballowe reported on the following:

- Concrete work completed at the Emergency Squad.
- Took a tour of the Town of Boston with Erie County Comptroller Stefan Mychajliw to show him some of the issues that need repair.
- With the fundraising flyer included within the Town and County Tax bill, the Emergency Squad has received over \$8,000 in donations. Thank you to all that donated.

A motion was made by Supervisor Ballowe and seconded by Councilman Murtha to adjourn the meeting at 8:00 p.m.

five (5) Ayes

Carried

JENNIFER A. MULÉ, TOWN CLERK