

**REGULAR BOARD MEETING  
MARCH 5, 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 Supervisor Ballowe to adopt the minutes of the February 19, 2014 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 February 27, 2014 in the amount of \$43,295.32 be paid.

five (5) Ayes Carried

The following persons were heard:

William Kester, Rockwood Road noted that a neighbor had plowed a large amount of snow into the ditch which plugged the culvert and caused flooding on his property. He thanked the highway department for their assistance in cleaning out this snow. He also asked if there is any Town code prohibiting people from plowing anything into the ditches that would prevent the proper drainage.

Town Attorney Kobiolka commented that approximately three years ago legislation was proposed to prevent individual homeowners from blocking passageways for water and snow. At that time the Town Board had decided not to follow through. He suggested this may be a good time to revisit this issue.

Supervisor Ballowe stated that he had conversation with Highway Superintendent Telaak on how the Town of Hamburg makes anyone who plows in their town to obtain a permit and register in their town. We are in the process of updating our codes books and implementing that type of procedure will be discussed.

Highway Superintendent Telaak noted that there is a state law that prohibits pushing snow across the road and depositing it on the right-of-way.

John Stressinger-Boston Cross Road commented on the current condition of the South Boston park and hopes that more improvements with the play equipment and the field itself can be made.

Supervisor Ballowe stated that for the last four years the Town Board has been focusing on updating town facilities. Councilman Vara is working on the restoration of the tennis courts. Some upgrades have been made to the South Boston Park. Installing new soccer fields at that park is being discussed, so then there will be soccer fields at each end of the town.

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Bryant Burns, Chestnut lane inquired about the approval process of a proposed project like the one at the end of Chestnut Lane. He also inquired about the snow plowing on the end of Hillside Drive and that his right-of-way is being obstructed and inquired as to whether the employee threat against him was addressed.

Town Attorney Kobiolka stated that the Town Board gives the Highway Superintendent some direction in regards to roadwork. Whether or not they need to approve it comes under the supervision of the Highway Superintendent. But it ultimately would rest with the Highway Superintendent since it is a town road. He commented that he spoke with the Sheriff's Office regarding his claim, and they said there was no report filed.

Councilman Boardway stated that this Town Board trusts Town Attorney Kobiolka tremendously in following up on issues like this. We also take seriously the conduct of our employees. He stated that the threat issue was looked into and it was found to be a non-reliable report because it did not lead to a written report.

Town Attorney Kobiolka commented that the February 19<sup>th</sup> meeting Mr. Burnes showed him a copy of an easement that apparently have him access on Hillside Drive. Town Attorney Kobiolka spoke with the title company, and determined that the easement does not give Mr. Burnes access to Hillside Drive. He also stated that Hillside Drive is a town road, and instructed Mr. Burns to read Section 189 of the Highway Law.

Supervisor Ballowe also stated that in order to settle this issue a title search was conducted at the cost of \$500 on Mr. Burnes property and it has shown that there is not an easement to Hillside Drive.

A motion was made by Councilman Vara and was seconded by Councilman Murtha to approve the Use of Facility Application from the Conservation Advisory Council for their annual Town Fishing Derby for Saturday, May 10, 2014 from 7 a.m. to 2 p.m.

five (5) Ayes

Carried

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to approve the Use of Facility Application from Michael Brinkerhoff for the annual 5K/10K race in honor of Trooper David C. Brinkerhoff for Friday and Saturday, June 20 & 21, 2014 from 7 a.m. to 3 p.m. Proof of traffic control from Patchin Fire Company and the NYS Police is required in writing before the event.

five (5) Ayes

Carried

A motion was made by Councilman Genzel and was seconded by Councilman Murtha to approve the Application for Use of Facility Application from Mike Brinkerhoff for a movie night for July 24, 2014 at 7 p.m., with a rain date of July 31, 2013.

five (5) Ayes

Carried

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A motion was made by Councilman Boardway and was seconded by Councilman Murtha to approve the Application for Use of Facility from Marilyn Found for August 2, 2014 for a 90<sup>th</sup> birthday celebration.

five (5) Ayes

Carried

Supervisor Ballowe noted that the Trooper David C. Brinkerhoff foundation not only sponsors the Movie night it sponsors three community children to attend our Summer Recreation program. It is a pleasure to have this organization conduct these events in our town.

A motion was made by Councilman Genzel and seconded by Councilman Vara to approve the 2013 Service Award points for the North Boston Fire Company.

five (5) Ayes

Carried

A motion was made by Councilman Genzel and seconded by Councilman Vara to approve the 2013 Service Award points for the Patchin Fire Company.

five (5) Ayes

Carried

A motion was made by Councilman Genzel and seconded by Councilman Vara to approve the 2013 Service Award points for the Boston Fire Company.

five (5) Ayes

Carried

Supervisor Ballowe gave his 2013 Annual Financial Report:

The 2013 Annual Financial Report was recently filed with the Office of the State Comptroller. The report is available for review in the town clerk's office. I am happy to report that our town is on very solid financial ground. In the general fund, 2013 revenues were 5% higher than the prior year and expenses were lower than prior year. This was mainly due to the large principal payment in 2012 for the refinance on the trooper barracks, which saved the town hundreds of thousands of dollars in interest. In the highway fund, expenses were up over the prior year mainly due to higher sand and salt purchases. However, overall, both the highway and general funds ended the year favorable to budget. This will allow for additional funding for our reserves. By adding to our special reserves, we can responsibly plan and complete the future improvements in the Town of Boston, without raising taxes.

It is important for town government to maintain the adequate unreserved fund balance in order to prepare for the unexpected rise of state mandates. This is the responsible and common sense way to run government.



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A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to award the bid for the USDA Rural Development Water District Audit to Mark Adamchick, CPA in the amount of \$2,700.

five (5) Ayes

Carried

Town Clerk Mulé reported on the following:

- Late hours for tax collection will be Friday, 3/14 from 9am to 6pm, Saturday, 3/15 from 9am to 12pm and Monday, March 17 from 9am to 9pm.
- The beginning stages of the Grant process have been completed. All identified Documents have been given to Biel's for conversion. The server has been Installed as well as two scanners.
- Waiting for remote upload of all the information.

Highway Superintendent Telaak reported on the following:

- Brush pick up will begin April 1<sup>st</sup>.
- Met with Assemblyman Dave DiPietro in Albany and discussed increased CHIPS funding.
- Repairs being done on several plow trucks.
- Stated that if anyone has a complaint about a county road, please call the County Highway and let them know of the issue.

Councilman Murtha had no report.

Councilman Genzel reported on the following:

- 250 income surveys were mailed out residents on the West Hill, 71 have been Returned so far, 131 are needed to make it a valid survey.
- Fire calls: Boston-9, Patchin-6, North Boston-6 and Boston EMS-38.
- Will be working on new signs at the North and South ends of town.

Councilman Boardway reported on the following:

- Attended the Planning Board meeting. They discussed two new projects being proposed for town.
- Commented on the deplorable conditions of County Roads within the Town of Boston. He wants to put the county on notice that the Town of Boston now has dangerous road conditions. Pot holes on Zimmerman, Back Creek and Boston State Road are causing damage to vehicles.
- He noted that there is a very dangerous two-foot piece of rebar sticking out of the road near the Mill Street bridge. This is an immediate safety hazard and asked Highway Superintendent Telaak if he could take care of that issue.

Councilman Vara reported on the following:

- Fishing Derby scheduled for May 10.
- Resurfacing of the tennis and basketball courts.
- Will attend a NEST meeting next week.

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Supervisor Ballowe reported on the following:

- Received monthly reports from the Supervisor.
- This year's projects are assigned as follows:
  - \*Councilman Murtha - 18 Mile Creek clearing, Boston Cross Roads clean up.
  - \*Councilman Genzel - Signs at both ends of Town, West Hill Water project, miscellaneous painting in town.
  - \*Councilman Boardway - Maintenance on football fields, possible bus shelter at the park and ride.
  - \*Councilman Vara - Tennis courts, basketball nets for the South Boston Park
- We are able to do these projects by saving money for the taxpayers and putting money in reserves. Very pleased with all the projects and updates being done.
- His focus is to keep taxes down.

A motion was made by Supervisor Ballowe and seconded by Councilman Murtha to adjourn the meeting at 8:26 p.m.

five (5) Ayes

Carried

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**JENNIFER A. MULÉ, TOWN CLERK**