

**REGULAR BOARD MEETING
APRIL 1, 2015**

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

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

Absent: Councilmen Jeffrey A. Genzel and Lawrence A. Murtha.

Also Present: Highway Superintendent Telaak.

A Motion was made by Councilman Boardway and seconded by Supervisor Ballowe to adopt the minutes of the March 18, 2015 regular meeting.

three (3) Ayes

Carried

A motion was made by Councilman Vara and seconded by Councilman Boardway, upon review by the Town Board, that fund bills on the Abstract dated March 26, 2015 in the amount of \$202,245.58 be paid.

three (3) Ayes

Carried

The following persons were heard:

Edwin (last name inaudible) and Nancy Mercurio, 7186 Parkside Drive shared photos and commented about the garbage that overflows out of the dumpsters located at Bella Pizzeria.

Supervisor Ballowe stated he would inform the code enforcement officer.

Bryant Burns asked for clarification regarding the Special Permit for Dumping of Materials from Russell Goldberg, 6570 Hillcrest Drive.

Supervisor Ballowe noted that would be brought up later in the meeting that was tabled a while ago that is being brought back to the table.

Supervisor Ballowe stated that he was allowing comments about the permit, not something else.

Discussion ensued between Bryant Burns and Supervisor Ballowe that is hard to determine because they were both speaking at the same time.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to not participate in the Expanded Syringe Access Program.

three (3) Ayes

Carried

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A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to table the 2014 Sponsor Approval-Service Award Program for North Boston, Boston and Patchin Fire Companies and to approve the Boston Emergency Squad 2014 Service Award Program.

three (3) Ayes

Carried

A motion was made by Councilman Vara and was seconded by Councilman Boardway to approve the Application for Use of Town Facility from the Conservation Advisory Council for the annual Fishing Derby on May 9, 2015 from 7 am to 3 pm.

three (3) Ayes

Carried

A motion was made by Councilman Boardway and was seconded by Councilman Vara to reappoint Kathy Praczakajlo to the Zoning Board of Appeals.

three (3) Ayes

Carried

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to appoint Deborah Catalano as a regular member of the Assessment Board of Review term to expire September 30, 2019.

three (3) Ayes

Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Vara to schedule an informational hearing to hear comments regarding the formal notification of intent to develop one IRA (Individual Residential Alternative) community residence located at vacant land on Cole and Omphalius Roads, for April 24th 6:30 pm.

three (3) Ayes

Carried

Supervisor Ballowe noted that a bill was passed in the Senate but not yet in the Assembly. He encouraged residents to contact Assemblyman David DiPietro.

Councilman Boardway: Since our last public meeting, we advised you that the state was going to notify us about an actual hearing. This hearing is what happened on the state level when a town board turns it down. We tell them, thank you, but no thank you, which we did. They have now put in on the fast track and they have scheduled this public hearing. It is an actual administrative adjudication hearing where both parties can put forth their legal position and their legal defenses to the establishment of this home. They have scheduled that for April 30, 2015 at 10:30 am.

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Councilman Boardway Cont'd: This is a state hearing officer coming in. He is supposed to be unbiased and they get to pick the time and the date. Town Attorney Kobiolka did try to reschedule that, but they refused to do it. This is our one chance to defend the action.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to schedule an administrative hearing for April 30, 2015 at 10:30 a.m. on the issue of the potential group home on Cole and Omphalius Roads in the town hall.

three (3) Ayes

Carried

Councilman Boardway noted that the town fully intends to defend this action to the best of its ability. He commented that we are still waiting for the preliminary report from outside council, Ron Bennett. He will be here on April 30th in conjunction with our Town Attorney. Depending upon the report we receive from Mr. Bennett, we may or may not retain additional staff to help us prepare for this public administrative hearing. We recognize that several residents in the immediate area have a substantial investment in their homes, their land and their lifestyle.

Councilman Boardway also reported for Town Attorney Kobiolka that if anyone wishes to engage their private council in this fight also, to represent their interests, specifically in partnership with the town, we would extremely welcome this. We are not saying that you should or have to get your own private attorneys, but if you feel the need to get separate council to protect your own personal interests in this venture you are certainly free to do that and we would welcome their input and their assistance. We would simply ask that they contact the supervisor's office to get in touch with the town attorney directly.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to deny the special permit for Dumping of Material from Russell Goldberg, 6570 Hillcrest Drive until the issues on this project are resolved.

three (3) Ayes

Carried

Supervisor Ballowe commented that Mr. Altherr informed the town board that this permit was no longer needed.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to deny the special permit for Dumping of Material from Albert Altherr, 6566, 6568, and 6569 Hillcrest Avenue.

three (3) Ayes

Carried

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Highway Superintendent Telaak reported on the following:

- Brush Pick up started.
- Spring street sweeping has started. Every town road will be swept.
- Ordered the pipe for the Boston Cross Road drainage project. Savings of over \$6,000 for ordering it ahead of time.
- Feddick Road, which is a county road, still has had no reduction in speed limit. There have been several accidents on this road. Asked that this be looked into again.
- Commented on Bryant Burns' comments.

Councilman Boardway reported on the following:

- Received correspondence from First Niagara regarding the Town of Boston's insurance coverages.
- Town owns quite a bit of property and are trying to figure out a way to sell them.
- Recreation Center is safe and usable for the summer recreation program. The bathrooms were improved and safety glass was installed. This is a Town owned building that can be used for other things. If anyone has a suggestion, contact the supervisor's office.

Councilman Vara reported on the following:

- Democratic Easter Egg hunt on Saturday, 1pm.
- DEC dumping trout in the 18-mile creek.
- Fishing Derby, May 9th, 10 am.
- Boston Fire Company's Gun raffle, Saturday, April 18th.

Supervisor Ballowe reported on the following:

- Working on fixing the roof at the Highway Department
- Some electric issues being updated.
- Email the supervisor for any information.
- Reiterated that they voted against this housing project.
- Donations will be made to the Fishing Derby by himself, Councilman Boardway and Councilman Genzel.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:12 p.m.

three (3) Ayes

Carried

ELIZABETH A. MARTIN, DEPUTY TOWN CLERK