

**REGULAR BOARD MEETING  
AUGUST 6, 2014**

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

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

Absent: Supervisor Martin A. Ballowe

Also Present: Town Attorney Kobiolka and Highway Superintendent Telaak.

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to authorize Highway Superintendent Telaak to deliver a load of surplus millings to the Patchin Fire Company for fair market value.

four (4) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilman Murtha to adopt the minutes of the July 16, 2014 regular meeting.

four (4) Ayes Carried

A motion was made by Councilman Murtha and seconded by Councilman Genzel upon review by the Town Board, that fund bills on the Abstract dated July 31, 2014 in the amount of \$133,963.46 be paid.

four (4) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Murtha to table the suggested revisions to the Town of Boston Code Book Section 95 - "Signs" so that the Town Board may thoroughly review them.

four (4) Ayes Carried

Councilman Murtha noted that Agapé Parents' Fellowship, Inc. has requested a "Child with Autism" sign be placed at the corner of Thornwood and Park Drives.

A motion was made by Councilman Murtha and was seconded by Councilman Vara to authorize Highway Superintendent Telaak to procure a "Child with Autism" sign and have it installed within the next month at the corner of Thornwood and Park Drives.

four (4) Ayes Carried

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A motion was made by Councilman Genzel and was seconded by Councilman Murtha to schedule a public hearing for Wednesday, September 3, 2014 at 7:40 p.m. to consider the application from Albert Altherr for a special permit for dumping of materials at 6566, 6568 and 6569 Hillcrest Avenue.

four (4) Ayes

Carried

A motion was made by Councilman Vara and was seconded by Councilman Boardway to refer the request from Courtney Mead for appointment to the Zoning Board for review and recommendation.

four (4) Ayes

Carried

A motion was made by Councilman Genzel and was seconded by Councilman Murtha to approve the Application for Use of facilities from Robin Mead of the North Boston Fire Company for a picnic on September 6, 2014 from 9 a.m. to 9 p.m.

four (4) Ayes

Carried

At 7:40 p.m. a Public Hearing was held to consider the application from Russell Goldberg for a Special Permit for Dumping of Material at 6570 Hillcrest Avenue.

Councilman Boardway read the legal notice.

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to open the public hearing for comments at 7:40 p.m.

four (4) Ayes

Carried

The following persons spoke in regards to the Application for Special Permit for Dumping of Materials at 6570 Hillcrest Avenue:

Russell Goldberg explained that he was requesting this permit so that he could create a walkable path from the end of Chestnut Lane to the end of his property so that he could have gas and water installed to his residence.

**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, Wednesday, August 6, 2014 at 7:40 PM, Eastern Prevailing Time, to consider the application from Russell Goldberg for a Special Permit for Dumping of Material at 6570 Hillcrest Drive.

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

DATED: July 21, 2014  
PUBLISHED:  
July 24, 2014

**BY ORDER OF  
THE TOWN BOARD  
JENNIFER A. MULÉ**

"This institution is an equal opportunity provider and employer"

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Daniel Kurek noted that although he has no objections to Mr. Goldberg receiving his permit, he did have other concerns regarding the removal of trees, bollards and a stop sign. He questioned the extra fill that was dumped on his property and whether or not it would be returned to grade.

Bryant Burns did not state either he was for or against this application but made several statements about the work that has already been done on this property.

Russ Metcalf asked the Town Board if they have amended chapter 101 or 101.2 of the town code.

Councilman Boardway stated that to his knowledge there have been no amendments made.

Linda Janish did not state either she was for or against this application but had several questions about this application and work that has already taken place.

A motion was made by Councilman Boardway and seconded by Councilman Genzel to close the public hearing at 7:56 p.m.

four (4) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to reserve decision of this permit application.

four (4) Ayes Carried

Councilman Genzel presented a proclamation to resident Robert Weber.

**PROCLAMATION**

*WHEREAS, Robert Weber, is a resident of the Town of Boston who lives on Trevett Road , and*

*WHEREAS, Robert, joined the Boston Fire Company on April 3, 1944, and*

*WHEREAS, He held the positions of Chief, Assistant Chief, Captain, Lieutenant, Executive Board Member and Mechanic, and*

*WHEREAS, Robert was also on 7 truck replacement committees, and*

*WHEREAS, after joining the Boston Fire Company, he was pressed into military service, and*

*WHEREAS, Robert spent three years in the South Pacific in WWII as a Navy Seabee, and*

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*WHEREAS, Robert has been an exceptional asset to the Boston Fire Company and helped steer the fire company where it is today, and*

*NOW THEREFORE, BE IT RESOLVED, that the Boston Town Board, on behalf of the residents of the town, wish to express our warmest wishes to: **Robert Weber** for his exemplary standards and dedicated service to the Town of Boston Community.*

*Dated this 6th day of August, 2014*

*Martin A. Ballowe, Town Supervisor*

Mitch Martin, Representative from Senator Gallivan's office also presented Mr. Weber with a Proclamation.

The following persons were heard:

Bryant Burns inquired as to why Highway Superintendent Telaak's vehicle does not have a town plaque displayed on it.

Clive Rucker shared his concerns about the constant flooding issues that some of the residents of Boston Cross Road deal with during the heavy rainstorms.

Daniel Kurek asked the Town Board to define "reserve decision" on the Goldberg application.

Councilman Boardway stated that the entire Town Board is going to review all the comments made tonight and a decision will be announced at a future board meeting.

**RESOLUTION 2014-12                      SECURITY SYSTEM**

**Councilman Boardway** presented the following Resolution and moved for its adoption:

**WHEREAS**, the Town of Boston has purchased and installed an (8) camera security system at its Town Offices located at 8500 Boston State Road; and

**WHEREAS**, the Security System was installed for the safety, welfare and security of the Town employees, visitors, officials and residents; and

**WHEREAS**, it is advisable to limit Town personnel access to the security system to maintain its integrity; and

**NOW THEREFORE BE IT RESOLVED**, review of the Town of Boston's security tapes should only be done at the direction of the Town of Boston Supervisor or in his or her absence, the Deputy Town Supervisor.

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

**AYES: 4 NOES: 0 ABSENT: 1**

John Shenne of Shenne and Associates Engineers noted that the last six months have been spent putting together a design for a 33 acres site on Rice Road. This environmentally friendly project will bring good things to the Town of Boston. There will be hundreds of apple trees planted. There will be a sales building and a 12,000 sq. ft. processing center to make apple cider. They are complying with the NYS Storm water pollution prevention plan by building some recharge ponds on the property.

Councilman Boardway noted that the Back Creek Cider Mill, which will be located near Rice Road near NYS Route 219, has been determined by our Town Engineer to be an unlisted action for the purposes of SEQR. This project will involve one or more other agencies and therefore a coordinated review is necessary.

A motion was made by Councilman Boardway and was seconded by Councilman Vara that the Boston Town Board assume the role of lead agency pursuant to Part 617 of the New York State Code Rules and Regulations and that all involved or interested agencies be so notified.

four (4) Ayes

Carried

Town Clerk Mulé reported on the following:

- Next scheduled Blood Drive will be August 19' 2014 from 2:30 p.m. to 7 p.m. in the Community Room.
- Hunting Licenses are now on sale although the sale of DMP's have been suspended Due to the State's system having technical difficulties.

Highway Superintendent Telaak reported on the following:

- Brush pick up will begin September 1<sup>st</sup>.
- Noted they are working on the flooding issues on Boston Cross Roads.

Councilman Murtha reported on the following.

- Contract for the Eighteen Mile Creek cleanup has been signed. Work to begin Once creek levels go down.

Councilman Genzel reported on the following:

- Fire calls for the month of July as follows: Boston-8, N. Boston-8 Patchin-9, Emergency Squad - 34.
- Waiting for response from fire chiefs to discuss Pension Plan and Contract.
- Town Engineer is reviewing the Cider Mill project and a new five-lot subdivision map.

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Councilman Genzel Cont'd:

- Will submit pictures taken by Highway Superintendent of the flooding that takes place on Boston Cross Road to our Grant Writer, Connie Miner.
- Received the reinstatement letter for the Not-for-profit 5013, Boston Community Foundation.
- Tai Chi classes continue every Tuesday morning at 10 a.m.
- Members needed for all volunteer board.

Councilman Vara reported on the following:

- Last phase of resurfacing on Tennis and Basketball courts.
- Goals for the South Boston playground have been installed.
- Environmental Awareness Day will be September 20, 2014.

Councilman Boardway reported on the following:

- Working on the flooding/water issues in town.
- Any donations made through the Boston Community foundation can be used as a tax write-off.
- Tuesday night concerts continue thanks to the donations of many local sponsors.
- Meeting scheduled with County representatives to discuss the deplorable road issues in the Town of Boston.
- 2015 Budget requests have been distributed to all departments.
- Brookfield Heights project moving along on schedule.

A motion was made by Councilman Boardway and seconded by Councilman Genzel to adjourn the meeting at 8:32 p.m.

four (4) Ayes

Carried

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**JENNIFER A. MULÉ, TOWN CLERK**