

**REGULAR BOARD MEETING
DECEMBER 3, 2014**

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

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

Absent: Councilman Gary E. Vara.

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 November 5, 2014 meeting.

four (4) Ayes Carried

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to adopt the minutes of the Special meeting of November 24, 2014 meeting.

four (4) 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 November 26, 2014 minus tax off voucher #267 in the amount of \$139.69 for a new total of \$194,727.45 be paid.

four (4) Ayes Carried

The following persons spoke unfavorably about the condition of county plowed roads in the Town of Boston during the recent snowstorm:

René Hadley Scott	David Deluca	John Panek
Joanne Stang	Ron Yormick	Bryant Burns
Daniel Kurek	Bill Forness	Cindy Deluca

René Hadley Scott, S. Feddick Road - due to multiple vehicle accidents involving her residence requested a road barrier/guardrail be placed in front of her house.

Councilman Murtha stated he would contact Mike Asklar from Erie County.

David Deluca, S. Feddick Road - Shared his concerns about the several vehicles that ended up on his front lawn, causing damage, due to the deplorable road conditions. Mr. Deluca proceeded to give members of the Town Board photos of his damaged property.

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John Panek, Feddick Road - Shared his concerns about the county roads not being plowed in a timely manner during this last snowstorm.

Supervisor Ballowe noted that he had made several calls to county officials during this recent storm looking for assistance.

Joanne Stang, Eddy Road - Stated she was concerned about the safety of school busses traveling on Omphalius Road. She stated she called the East Aurora Highway Garage to express that same concern and was told to have a nice day and was hung up on. She also called County Executive Poloncarz office and did not get a call back.

Ron Yormick, Deanna Drive - Stated that he drives these county roads every single day in the Town of Boston and none of them are maintained very well. He did compliment the Town of Boston Highway Department for keeping the town's roads clean and passable.

Bryant Burns, Chestnut Lane - Proceeded to explain that the Town is in this situation because the Town Board elected to cancel the snowplowing contract with Erie County right before this winter storm.

Supervisor Ballowe reiterated that the county withheld \$5,000 from our payment after bringing in front loaders to push back snow on Omphalius Road. According to the contract it states either the county does that or they pay the Town of Boston to do it. This same work was done in the Town of Colden but we are the only town in Erie County that was shorted money. We are a sub-contractor and I do not know of any subcontractor that works free. Everyone in this room pays county taxes. We deserve the services of ditches being cleaned, roads being paved, trees being cut back. These are county services. When they do not pay that contract, the contract is broke. He stated that it is not that we do not want to take care of the county roads or maintain them for the residents of the Town of Boston. We cannot keep our taxes low, pay our highway employees to fuel and repair our trucks and then get shortchanged. They had a contract, they should have fulfilled it.

Daniel Kurek, Chestnut Lane stated that the County has to get off of their best intentions and protect the kids that are riding in the buses and the firemen who attend to emergencies. We have to get the county to get these roads straightened out.

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Supervisor Ballowe stated he is more than willing to sit down with the county to get this straightened out and has all the records, emails and every certified letter ever sent to them. The liability for the county roads is all on the county.

He stated that he invited County Executive Poloncarz to attend this Town Board meeting, he received no response.

Councilman Boardway stated that last year this Town Board did formally and legally put the county on notice. It was an attempt to let them know we are having problems with these roads and it was an attempt from this Town Board to protect the taxpayers by firmly putting them on written notice.

Cindy DeLuca, S. Feddick Road wants to reiterate that that Town of Boston needs to put the county on notice.

Bill Forness, 25-year employee of the Town of Boston Highway informed the residents that the Town of Boston Highway Department did not abandon anyone. Within the first 24 hours of the storm they were plows down. If he was going down Feddick Road between one of his runs, his plow was down. When he went down Zimmerman, from Shero to Hywood, his plow was down. He plowed Mayer from Feddick to Back Creek. There were times he was forced to plow the road because he could not turn around. He stated the safety of the citizens, our firemen, Emergency Squad people are very important.

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

four (4) Ayes

Carried

A motion was made by Councilman Genzel and was seconded by Councilman Murtha to accept the resignation of Clayton G. Schunk from the Assessment Board of Review effective immediately.

four (4) Ayes

Carried

Legislator Mills stated he was a councilman in the Town of Orchard Park for 22 years and learned a lot about local government. He stated that the Legislature cut two million dollars out of County Executives Poloncarz' budget. He stated they are confident they will downsize county government and make it more productive. The culture of County Government has to change and it has to start in the towns. He noted there is a highway advisory committee now.

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He stated we have to put the pressure on the guy who sits in the 16th floor. Erie County Executive Poloncarz, is a lawyer and very difficult to do business with because he has a different take on things. Mr. Mills represents a very rural district. He has more county roads than any other district in the legislature, so he has a vested interest in getting the roads taken care of. The legislature voted 11 to 0 to lower the tax rate for the residents of Erie County. This has never been done. He stated how there were many increases given to many areas. He stated that the legislature will force whoever is on the 16th floor, currently Poloncarz to get a handle of what goes on in County government. He stated that he intends to appropriate more money out of the fund balance for roads, bridges and infrastructure.

Legislator Mills continued to discuss the recent snowstorm and road situation. He stated that he has been on snowplows before during snowstorms to make sure he knew what they did. He did not see our County Executive, our Mayor or our Governor in a snowplow at all. You have to be hands on. You have to change the culture of government. He stated we cannot have bad equipment on our roads. It is a public safety issue. He asked the Town Board and the residents of the Town of Boston to get as much information to his office as possible. We are going to sort this out and get to the bottom of what is going on so we can have enough equipment to handle the problem and get the snowplowing back in the Town of Boston where it belongs, not in Erie County. We do not have the equipment or personnel to do the job. We do not have a good communication system despite what the County Executive says. If this was a massive storm that hit all towns and villages in Erie County, we would have big problems. He stated we have his promise to continue to fight for us.

Supervisor Ballowe asked Highway Superintendent Telaak what year was his newest piece of equipment.

Highway Superintendent Telaak stated that the two 550's are 2009's, then we have a 2002 and 2004 Osh Kosh, we have a 1996 International and the oldest one is a 1987 Osh Kosh. It is still a very good truck because the Highways guys do a great job maintaining it.

Supervisor Ballowe stated that Legislator Mills really worked hard to try to get the bill paid, but Bill Geary, Charlie Sickler and Mark Poloncarz, refused to pay the bill. When the legislator is told the County's Equipment is old, he has no idea what old is. That is no excuse for Bill Geary not to plow or salt our roads. That is a cop out. Supervisor Ballowe stated he hopes to meet with the legislature and have the opportunity to speak with them about getting this cleared up.

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Supervisor Ballowe Cont'd: He stated he would be more than happy to re-sign a contract with the county after they pay their bill and we will get back to what we do best in this town, putting our plow guys out, who know our roads, who keep them clean and safe.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to refer the request to review the Code Book Section 123-136 back to the Zoning Board of Appeals for further clarification.

four (4) Ayes

Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to table Resolution 2014-17, Termination of Contract with Hamburg and Orchard Park School Districts.

four (4) Ayes

Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to authorize Supervisor Ballowe to sign the 2015 Nutrition Contract with Erie County in the amount of \$93,719.

four (4) Ayes

Carried

A motion was made by Councilman Murtha and seconded by Councilman Boardway upon the recommendation of the Planning Board to authorize Code Enforcement Officer Ferguson to issue a temporary Certificate of Occupancy for Raphael's Restaurant at 8936 Boston State Road and to set a reasonable time frame to be determined by the Code Enforcement Officer for Mr. Galluzzi to satisfy incomplete details for final site plan approval after which time a final Certificate of Occupancy can be issued.

four (4) Ayes

Carried

Town Clerk Mulé reported on the following:

- The Sharing Tree is up. Wrapped gifts are due back to the Town Clerk's Office by December 17th.

Highway Superintendent Telaak reported on the following:

- Thanked the highway employees for doing a great job plowing during the storm.
- Parks Department busy putting up Christmas decorations.
- Refilled the salt barn.
- Leaves, wood chips, fill and broken up black top available.

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A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to direct Town Attorney Kobiolka to put the Erie County Highway Department on notice for plowing and salting of county roads within the Town of Boston's limits.

Supervisor Ballowe	Aye	Councilman Boardway	Aye
Councilman Genzel	Nay	Councilman Murtha	Aye
three (3) Ayes	(1) one nay		Carried

Councilman Murtha reported on the following:

- Heard from very few residents after the thaw of five feet of snow.

Councilman Genzel reported on the following:

- Fire calls: Boston-5, Patchin-22, North Boston-15, Boston Emergency Squad - 47
- Power line Road signs have been delivered to our Emergency Management team.
- Thanked all of the first responders who were out during this recent snow storm.
- Cannot get a connection on a Fire Hydrant on Holiday Drive. Erie County Water Authority was called. The dry hydrant at the top of Hillcroft needs to be redesigned and repaired so that we have protection.
- Please keep the hydrants near your homes clear of snow.
- Boston Cross Road drainage block grant application was submitted today.
- Raised \$650 toward the maintenance of the Christmas Lights.
- Lost \$8,000 in the Fireman Benefit Program last month.
- Boston Town Band will be holding their annual Christmas Concert on Sunday, December 7th, Boston Valley Elementary School at 2 p.m.
- Quality members for all of our boards needed. Submit letter of interest to Town Clerk Mulé.
- Reiterated his stance on the snowplowing issue with Erie County.
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Councilman Boardway reported on the following:

- Thanked Highway Superintendent Telaak and all the Highway workers for keeping our roads open and safe during the last snowstorm.

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

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Supervisor Ballowe reported on the following:

- Working hard on trying to settle the plowing situation.
- Asked that residents put pressure on the county and the people that represent them.
- Met with many town supervisor's, Emergency Management personnel, Chiefs of police on Tuesday and every one said they saw no county presence in the Town of Boston. We have to do everything we can do to share our services because the county will not give us what we demand. We will begin with getting a diagram of main roads. Second to share services and move on from there. Once we have that figured out he will bring it back to this Town Board and Highway Superintendent Telaak.

A motion was made by Supervisor Ballowe and seconded by Councilman Murtha to adjourn the meeting at 8:23 p.m.

four (4) Ayes

Carried

JENNIFER A. MULÉ, TOWN CLERK