

**REGULAR BOARD MEETING  
JULY 16, 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.

At 7:40 p.m. a Public Hearing was held to consider the application from Paul Reinecke for a Special Permit for Dumping of Material at 7010 Boston State Road.

Supervisor Ballowe read the legal notice.

Paul Reinecke, 7010 Boston State Road withdrew his application for a Special Permit for Dumping of Material.

A motion was made by Supervisor Ballowe and seconded by Councilman Vara to close the public hearing at 7:40 p.m.

five (5) Ayes

Carried

A motion was made by Councilman Boardway and was seconded by Councilman Genzel on the recommendation of Recreation Director Zeniuk, to appoint the following to the Summer Recreation Program, terms to expire 8/21/14:

| <u>Name</u>       | <u>Position</u>       | <u>Hourly Rate</u> |
|-------------------|-----------------------|--------------------|
| Kaelyn Gamel      | Counselor/EMT         | \$9.00             |
| Shayna Metzger    | Counselor             | \$8.00             |
| John Georger      | Tennis Instructor     | \$15.00            |
| Jessica Maiorana  | Summer Skills Teacher | \$14.00            |
| Mary Ann Kaminski | Camp Nurse            | \$500 Stipend      |
| Zachary Rombough  | Counselor             | \$8.00             |

five (5) Ayes

Carried

A motion was made by Councilman Boardway and seconded by Councilman Murtha to adopt the minutes of the June 18, 2014 regular meeting with the following correction:

From:

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

**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, July 16, 2014 at 7:40 PM, Eastern Prevailing Time, to consider the application from Paul Reinecke for a Special Permit for Dumping of Material at 7010 Boston State Road.

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

DATED:  
June 27, 2014  
PUBLISHED:  
July 3, 2014

BY ORDER OF  
THE TOWN BOARD

JENNIFER A. MULÉ

"This institution is an equal opportunity provider and employer"

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Motion Cont'd:

Absent: Councilman Gary E. Vara.

To:

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

Absent: Councilman Gary E. Vara.

five (5) 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 10, 2014 in the amount of \$765,496.52 be paid.

five (5) Ayes

Carried

Received and filed correspondence from the Boston Planning Board regarding the appointment of Joseph Gallagher

The following persons were heard:

Pamela Kardeen, Aflac Agent requested permission to present Aflac to the employees of the Town of Boston. There is no cost the Town of Boston.

Councilman Boardway asked for an overview of what Aflac is.

Pamela Kardeen stated that Aflac is supplemental insurance. Blue Cross Blue Shield and Independent Health cover major medical, pays for doctors and hospitals. When someone has an Aflac plan, accidents, cancer, sickness, short-term disability, life insurance, dental and vision can be participated in.

Councilman Boardway instructed her to contact the town's bookkeeper to set up a meeting.

Mike Brinkerhoff, brother of the late Trooper David Brinkerhoff thanked all those within the town, starting with the Town Clerk's office, to the Town Board, Highway and Parks Departments, all the Boston Fire companies and Boston Emergency Services for all their assistance and allowing the foundation to give back to the community by being able to hold this event in this town. He encouraged everyone to come out next Friday, the 25<sup>th</sup> and attend the free movie night behind the park.

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Mike O'Halloran, 6682 East Hillcroft shared his concerns about the constant flooding behind his property.

Supervisor Ballowe stated there have been numerous issues with flooding within the town.

Councilman Murtha stated he had visited the O'Halloran's property on two separate occasions. This is private property and the town's policy is not to dig ditches on such. What can we, as a town, do to help these residents?

Town Attorney Kobiolka asked if the drainage system behind his house was a permanent ditch.

Mike O'Halloran stated that his property line ends at the ditch.

Town Attorney Kobiolka stated that he and Councilman Murtha will look into this matter and will look into why it was approved to be worked on years ago.

Doreen Schultz, 6698 Liebler Road also is experiencing flooding issues because of a pipe that becomes plugged with various kinds of debris.

Councilman Murtha stated that a possible solution is to install a trash rack.

Ms. Schultz was asked to share her pictures of this flooding after the meeting.

Russell Goldberg, 6570 Hillcrest Avenue wanted to clarify a statement in letter written by Code Enforcement Officer Ferguson regarding the removal of buried trees. It is in fact, that he wanted to remove the earth around the trees not the trees themselves.

Daniel Kurek, 6551 and 6554 Chestnut Lane inquired as to whether the Ballard's that were removed will be replaced and when will the earth that was moved by the contractor for Mr. Goldberg's project be put back the way it was so that the trees in that area have a chance to survive.

Town Attorney Kobiolka stated that Mr. Goldberg has not received permission from the town to install any type of utility line through town property/right-of-ways. There should not be any construction work being done at all on town property and this was addressed at a previous meeting.

Supervisor Ballowe stated that Mr. Goldberg has agreed to remove the soil and replace the Ballard's or install a gate that swings open or moves so that snow can be pushed onto the town property so that it is not impeding any of the residents there. Mr. Goldberg has been cooperative.

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Mr. Kurek wanted it on record that there are six to eight trees that will potentially die because of the dirt that has been piled around them.

Supervisor Ballowe noted that an agreement is being drawn up stating that Mr. Goldberg will return the property to its original condition.

A motion was made by Councilman Vara and was seconded by Supervisor Ballowe to approve the Use of Facilities application from Jennifer Cavarello, for a family picnic on August 10, 2014.

five (5) Ayes Carried

A motion was made by and was seconded by Councilman Vara and was seconded by Supervisor Ballowe to approve the Use of Facilities application from Christopher Birner, for a reunion/anniversary party on August 31, 2014.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Murtha to approve the Use of Facilities application Rev. Richard Kwiatkowski, Good Shepherd Lutheran Church, for a worship service on July 27, 2014 at 9:30 a.m.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Murtha to approve the Use of Facilities application from Steve Bohan, for a cub scout meeting/rocket launch on July 17, 2014 with the stipulations that the Certificate of Liability Insurance and the required \$50 deposit are received.

five (5) Ayes Carried

A motion was made by Councilman Murtha and was seconded by Supervisor Ballowe to approve the Use of Facilities application from Walter Iwanenko, Boston Little Loop Football & Cheerleading for regular games and practices beginning July 28 - October 31, 2014.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Vara upon the recommendation of Code Enforcement Officer Ferguson to approve the license for Boston Hills Homes and Estates Mobile Home Park. The license will be effective July 1, 2014 through June 30, 2015.

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7:30 P.M.

five (5) Ayes

Carried

**RESOLUTION 2014-11**

**STANDARD NEW YORK STATE WORK DAY  
REPORTING FOR ELECTED AND APPOINTED OFFICIALS**

At a Regular Meeting of the Boston Town Board Erie County, New York, held at the Boston Town Hall, 8500 Boston State Road, Boston, New York, on the 16th day of July 2014 at 7:30 pm Eastern Prevailing Time, there were:

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

**Supervisor Ballowe** presented the following Resolution and moved its adoption:

**BE IT RESOLVED**, the Boston Town Board, Erie County, New York hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

| Title               | Name             | Standard Work Day | Term Begins/Ends      | Participates in Employer's Time Keeping System (Y/N) | Days/ Month (Based on Record of Activities) |
|---------------------|------------------|-------------------|-----------------------|--|---|
| Supervisor          | Martin Ballowe   | 6                 | 01/01/2014-12/31/2017 | N  | 15  |
| Bookkeeper          | Kathleen Selby   | 7                 | 01/01/2014-12/31/2014 | N  | 20  |
| Board Member        | Lawrence Murtha  | 6                 | 01/01/2012-12/31/2015 | N  | 8   |
| Board Member        | Jay Boardway     | 6                 | 01/01/2014-12/31/2017 | N  | 8   |
| Board Member        | Jeffrey Genzel   | 6                 | 01/01/2014-12/31/2017 | N  | 8   |
| Town Clerk          | Jennifer Mulé    | 7                 | 01/01/2013-12/31/2015 | N  | 20  |
| Deputy Town Clerk   | Elizabeth Martin | 7                 | 01/01/2014-12/31/2014 | N  | 20  |
| Town Justice        | Debra Bender     | 6                 | 01/01/2014-12/31/2017 | N  | 8   |
| Town Justice        | Michael Metzger  | 6                 | 01/01/2010-12/31/2014 | N  | 8   |
| Court Clerk         | Wendy Kummer     | 7                 | 01/01/2014-12/31/2014 | N  | 20  |
| Town Attorney       | Michael Kobiolka | 6                 | 01/01/2014-12/31/2015 | N  | 18  |
| Dep. Town Attorney  | Kelly Vacco      | 6                 | 01/01/2014-12/31/2014 | N  | 4   |
| Assessor            | Suzanna Fitzner  | 6                 | 10/16/2014-09/30/2019 | N  | 15  |
| Recreation Director | Anthony Zeniuk   | 6                 | 01/01/2014-12/31/2014 | N  | 15  |
| Court Officer       | Daniel Mulé      | 6                 | 01/01/2014-12/31/2014 | N  | 4   |
| Hwy Superintendent  | Robert Telaak    | 7                 | 01/01/2012-12/31/2015 | N  | 20  |

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

**AYES: 5 NOES: 0 ABSENT: 0**

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A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to appoint Dawn Boncal as the Town Historian, term to expire December 31, 2014.

five (5) Ayes

Carried

Councilman Boardway stated that a special permit for fill application was received from Russell Goldberg, but the \$150 application fee was not yet paid. In order for the town board to consider this application the fee must first be paid.

Mr. Goldberg submitted a check of \$150 directly to Town Clerk Mulé to accompany his special permit previously submitted.

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to schedule a public hearing for August 6, 2014 at 7:40 pm to consider the application from Russell Goldberg for a special permit for dumping of materials at 6570 Boston State Road.

five (5) Ayes

Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Vara to authorize Supervisor Ballowe to enter into an Intermunicipal Cooperation Agreement between the Hamburg and Orchard Park School districts to collect school taxes for Town of Boston residents in these districts for the 2014-2015 school year.

five (5) Ayes

Carried

A motion was made by Councilman Boardway and was seconded by Councilman Murtha to approve the Use of Facilities application from Rev. Richard Kwiatkowski, Good Shepherd Lutheran Church, for a worship service on July 27, 2014 at 9:30 a.m.

five (5) Ayes

Carried

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to approve the Use of Facilities application from Chris Mazur and Matt Shaw for a retirement party on August 16, 2014, which will include a fireworks display by Skylighters of New York LLC with the following stipulations: 1) Certificate of liability insurance is received by July 31, 2014. 2) A notification is sent to all residents on the streets surrounding the town park that there will be a fireworks display that evening. Patchin Fire Company has also agreed to provide fire stand by.

five (5) Ayes

Carried

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Supervisor Ballowe stated that the following bids were received for the Boston Telephone System Upgrade project:

Windstream \$29,495.19                      JCL Telecommunication      \$15,234.91

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha upon the recommendation of our IT person, Bryan Collins, to accept the Bid from JCL Telecommunications in the amount of \$15,234.91.

|                    |     |                     |         |
|--------------------|-----|---------------------|---------|
| Supervisor Ballowe | Aye | Councilman Boardway | Recused |
| Councilman Genzel  | Aye | Councilman Murtha   | Aye     |
| Councilman Vara    | Aye |                     |         |

four (4) Ayes                                      (1) one Recusal                                      Carried

Town Clerk Mulé reported on the following:

- No Report.

Highway Superintendent Telaak reported on the following:

- Flooding on Mill Street.
- Encouraged new homebuyers to double check for flooding issues in the area.

Councilman Murtha reported on the following.

- Reported flooding issues are being looked into.
- Trying to get Erie County to clean out some ditches.

Councilman Genzel reported on the following:

- Fire calls for the month of June as follows: Boston-5, N. Boston-8 Patchin-16, Emergency Squad - 50.
- He and Supervisor Ballowe met with Penflex representatives.
- Patchin Fire Company is requesting millings for their parking lot.
- July 4<sup>th</sup> celebration a success.
- New welcome sign at North end of town near Tim Horton's.

Councilman Boardway reported on the following:

- Planning Board meeting on July 22<sup>nd</sup>.
- Cider Mill project in final stages for approval.
- Planning Board and Zoning Board of Appeals looking for members.
- Reviewing the town's Workman's Compensation plan.
- Brookfield Heights development construction is underway.
- Town Concerts now in full swing every Tuesday evening.
- Attended 50 Grand Gala.

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- 173 Children participate in our Summer Recreation program.

Councilman Vara reported on the following:

- Working on Tennis and Basketball courts.
- Poles for the basketball nets will be installed at the South Boston playground.
- Met with Waste Management regarding Contract renewal.

Supervisor Ballowe reported on the following:

- Received monthly reports from the Town Clerk and Code Enforcement.
- A lot of water problems in town. Highway is crew busy cleaning out ditches.
- Thanked all those who donated to the Fireworks display.
- Patchin Fire Company will provide fire standby for the private event being held on August 16, 2014.
- Next Town Board meeting will be on August 6<sup>th</sup>.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:34 p.m.

five (5) Ayes

Carried

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**JENNIFER A. MULÉ, TOWN CLERK**