

REGULAR BOARD MEETING
OCTOBER 15, 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 October 1, 2014 regular meeting.

five (5) Ayes Carried

Supervisor Ballowe	Aye	Councilman Boardway	Aye
Councilman Genzel	Nay	Councilman Murtha	Aye
Councilman Vara	Aye		

Four (4) Ayes (1) One Nay Carried

Received and filed correspondence from Bryant Burns regarding Chestnut Lane.

Received and filed correspondence from County Executive Poloncarz regarding Back Creek Cider Mill.

Received and filed correspondence from Erie County Comptroller Stephan Mychajliw.

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 October 9, 2014 of \$115,495.55 reduced adjustment for voucher #710.

five (5) Ayes Carried

Supervisor Ballowe commented that the Town Board meetings Rules of Order were established in 1964 and what is limited. Questions have been raised about opening the floor to discuss whatever issues they have and the Town Board has been lenient about what is discussed and for how long. He stated that they will continue to allow this, but the cut off time will be three minutes.

The following persons were heard:

Bryant Burns, Chestnut Lane made several comments regarding the ongoing situation at the end of Chestnut Lane and asked that these issues be taken care of.

* NO 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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7:30 P.M.**

Daniel Kurek, Chestnut Lane made several comments about the ongoing situation at the end of Chestnut Lane.

**NOTICE OF PUBLIC HEARING
NOTICE TO THE CITIZENS
OF THE
TOWN OF BOSTON**

At 7:40 p.m. a Public Hearing was held to hear comments regarding the use of Federal Community Development Funds in the Town of Boston.

A Public Hearing will be held on October 15, 2014 at 7:40 PM Eastern Prevailing Time at the Boston Town Hall, 8500 Boston State Road, Boston, New York regarding the use of Federal Community Development Funds in the Town of Boston.

A motion was made by Supervisor Ballowe and was seconded by Councilman Vara to open the public hearing for the Community Development Block Grant.

The Town of Boston is eligible for a Federal Community Development Grant under Title 1 of the Housing and Community Development Act of 1974, as amended.

five (5) Ayes

Carried

Councilman Genzel read the legal notice

The purpose of the hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects, which would benefit low and moderate-income persons in the Town of Boston.

Councilman Boardway noted there were no public comments.

A motion was made by Councilman Boardway and seconded by Councilman Genzel to close the public hearing at 7:44 p.m.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Boston's selection of potential projects to be submitted for possible funding by the Federal Community Development Program.

four (4) Ayes

Carried

**RESOLUTION 2014-16 ERIE COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT
REQUESTS**

The hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible.

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

Those needing special arrangements should call Jennifer A. Mule, Boston Town Clerk at (716)-941-6113 Ext. 16.

Councilman Genzel presented the following Resolution and moved its adoption:

WHEREAS, following the Public Hearing of October 15, 2014 which was held at the Boston Town Hall for suggestions by the public for projects to be submitted for funding,

DATED: S E P T E M -
BER 22, 2014
P U B LISHED: OCTOBER 2, 2014

**BY ORDER OF THE TOWN
BOARD
JENNIFER A. MULE, TOWN
CLERK**

"This Institution is an equal opportunity provider and employer"

REGULAR BOARD MEETING
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TOWN HALL
7:30 P.M.

NOW, THEREFORE BE IT RESOLVED that the Boston Town Board submits the following projects to be considered for funding by the Erie County Community Development Block Grant Program during the 2015-16 grant cycle:

1st Priority - Boston Cross Road Storm Drain Extension Project Phase II; and

2nd Priority - Rural Transit Service.

NOW THEREFORE BE IT RESOLVED BY, that the Boston Town Board authorizes Martin A. Ballowe, Town Supervisor, to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) Program for the cited projects upon approval of the ECCDBG.

Now Be IT FURTHER RESOLVED THAT the Boston Town Board provides a 50% (\$111,475) match for the Boston Cross Road Storm Drain Extension Project Phase II, which has a total estimated cost of \$222,950 using cash from the A8745.4 line item and Highway Department force account labor from the D5110.1 line item.

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

AYES: 5

NOES: 0

A Public Hearing was held at 7:45 p.m. to hear public comments regarding the 2015 Town of Boston Preliminary Budget.

Councilman Boardway read the legal notice.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to open the public hearing for the 2015 Preliminary Town Budget.

five (5) Ayes

Carried

There were no public comments.

**PUBLIC NOTICE
TOWN OF BOSTON
NOTICE OF HEARING
UPON TENTATIVE BUDGET**

NOTICE IS HEREBY GIVEN that the Tentative Budget of the Town of Boston for the fiscal year beginning January 1, 2015 has been completed and filed in the office of the Town Clerk, where it is available for inspection by any interested person during regular office hours.

FURTHER NOTICE IS HEREBY GIVEN that the Boston Town Board will hold a public hearing and review said Preliminary Budget at the Boston Town Hall, 8500 Boston State Road, at 7:45 PM Eastern Prevailing Time, on October 15, 2014 and at such hearing any person may be heard for or against the Preliminary Budget as compiled or any items contained therein.

Pursuant to Section 103 of the Town Law, the proposed salaries of the following elected town officers are: Supervisor \$29,150, Town Clerk \$46,164 (4) Councilman \$8,003, Superintendent of Highways \$57,818 (2) Town Justice \$16,125. An exemption report is available.

Dated: October 2, 2014
P u b -
lished: October 9, 2014

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

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TOWN HALL
7:30 P.M.

A motion was made by Supervisor Ballowe and seconded by Councilman Murtha to close the Public Hearing at 7:49 p.m.

five (5) Ayes

Carried

Supervisor Ballowe reopened the floor for public comments:

Daniel Kurek, Chestnut Lane continued to discuss the ongoing issue at the end of Chestnut Lane.

Scott Ryan, Chestnut Lane shared his concerns regarding the ongoing issue at the end of Chestnut Lane.

Russell Goldberg, Hillcrest Avenue made several comments regarding the work that has been done at the end of Chestnut Lane. He requested permission to continue construction and would like to be issued a building permit so that he can continue with the installation of the services that are provided for any other citizen in the Town of Boston.

Robin Reiner, Chestnut Lane noted that the current condition at the end of Chestnut lane is a hazard and danger to all residents and asked the Town Board look into the issue.

Bill Forness, West Hill Road and 25-year employee of the Town of Boston Highway Department indicated his support to the Town Board to discontinue the snow removal and Ice control agreement with Erie County.

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to close requests from the floor.

five (5) Ayes

Carried

Erie County Comptroller Stefan Mychajliw addressed all members of the Town Board and attending public with the following items: (information packet distributed to all Town Board members and the town clerk.

- Spent a portion of his summer at Harvard completing an Executive Education program at the Kennedy School for Leaders in State & Local Government.
- Included in the packet is an easy-to-understand version of the County Budget.

- Feels strongly that spending should be reduced in County government and cut our taxes. There is \$40 million dollars in additional spending proposed in the 2015 budget. The money is there for the Town of Boston. It all depends on whether the administration is willing to spend it on the town.
- He thanked the highway department employees for the work they do and hopes there will be a positive resolution to the Highway contract issue.
- Some of the reforms the County Comptrollers' office has put into place are: a) a new banking contract by going out to bid and cross training implemented in his department.
- Cut his budget over the course of two years by one million dollars, a 30 percent reduction.
- Trying to put forth a plan to bring in a private sector company to work alongside their union employees to conduct audits.
- Stated that if the legislature increased elected official salaries, he would not accept it. If it happens, he will pay Uncle Sam and donate the difference to charity.

Supervisor Ballowe stated that the Town of Boston has a contract with Erie County to plow county roads in the Town of Boston. These roads belong to the county are maintained by them, but the Town of Boston has plowed them for the last 40 years. In those 40 years, the town has never been short changed in our payments. He stated he has been meeting with county representatives since April and ended October 10th with no resolution. We provide an upfront service to the county using taxpayer money. He stated that other towns also had to have front loaders come out and remove snow, but the Town of Boston was the only town that was shorted in their check.

Highway Superintendent Telaak stated that last January he received several calls from residents from Omphalius and Lower East Hill Roads that it was down to one lane and that the snow needed to be removed. The contracts states very clearly that if "high lifts are necessary to remove the snow the county is to authorize the town highway department to do it or the county must do it." The County did come in and remove the snow, but then deducted their time and labor of \$4,898.24 off of our payment. That is \$1,400 more than we are paid to plow a lane mile of County roads. That means we plowed that road 280 times and we received nothing for it. It actually cost us \$1,400. That is unacceptable. I am all in favor of cancelling this contract. He stated he would be willing to someday renegotiate a new contract.

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**RESOLUTION 2014-14 CANCELLATION OF INTER-MUNICIPAL SNOW
REMOVAL AND ICE CONTROL AGREEMENT**

Supervisor Ballowe presented the following Resolution and moved its adoption:

WHEREAS, the Town of Boston and the County of Erie entered into a 3-year Inter-municipal Snow Removal and Ice Control Agreement on November 7, 2013 for the County Roads located in the Town of Boston (Roads Exhibit A); and

WHEREAS, due to the topographical configuration of the Town of Boston, with high hills and steep slopes on the road, the reimbursement amount per lane mile allocated by the County to reimburse the Town of Boston is inadequate and causes a financial hardship on the Town; and

WHEREAS, various disputes have arisen between the County and the Town regarding the administration of the contract, resulting in the Town receiving \$4,898.24 less than what was agreed upon by the parties.

NOW THEREFORE BE IT

RESOLVED, that the Town Board authorizes the Town Supervisor to send a letter to the County of Erie as per Paragraph 7 of the contract, terminating the contract upon twenty (20) and thirty (30) day notice.

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

AYES: 4 NOES: 1 ABSENT: 0

Councilman Boardway put into perspective their point of view on this. The Town of Boston is instrumental in facilitating a senior lunch program that is served daily down stairs. The money they took from the Town of Boston would cover 1,398 senior meals. It would cover 18 children to attend our Summer Recreation Program free.

Councilman Genzel stated that Supervisor Ballowe worked diligently to try to solve this problem. He believes this should be readdressed in April so there is more time to renegotiate would be in the best safety interest of the public. He stated he was not against cancelling it, just at a later time if it cannot be resolved over the next six to eight months so that our town employees can continue to plow these roads.

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Town Attorney Kobiolka reminded the Town Board that they had discussed keeping the door open for the county to reconsider entertaining a new contract.

A motion was made by Councilman Vara and was seconded by Councilman Boardway to authorize Supervisor Ballowe to sign the contract with Time Warner Cable.

five (5) Ayes

Carried

RESOLUTION 2014-15

UNPAID BILLS

Councilman Boardway presented the following Resolution and moved its adoption:

BE IT RESOLVED, that the Boston Town Board does hereby request that the Boston Assessor and Erie County Finance Department place the following Unpaid Bills on the 2015 Tax Roll:

Water Bills:

SBL#	Address	Amount
226.02-2-15.111	6176 Thornwood Drive	\$ 67.74
227.00-4-18.111	7180 Liebler Road	\$109.53
242.00-2-26	8737 Cole Road	\$ 35.18
242.17-3-1	8920 Hickory Meadows	\$130.09
258.00-1-46.12	7003 Brown Hill Road	\$119.81
258.05-1-15	9356 Boston State Road	\$ 73.70
258.10-1-30	6972 Boston Cross Road	\$171.50
211.02-2-30	6207 Ward Road	\$108.58
211.02-2-20	6193 Ward Road	\$111.87
212.00-1-19.111	6983 Ward Road	\$231.56
211.02-2-22.11	6191A Ward Road	\$103.70
211.02-2-11	6141 Ward Road	\$134.09

WATER BILL TOTAL

\$1,397.35

Seconded by **Supervisor Ballowe** and put to a vote which resulted as follows:

AYES:5

NOES: 0

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A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to approve the Use of Facility Application from Karl Simmeth from the Boston Republican Committee for the annual Halloween Party for October 24, 2014 from 6 p.m. to 8 p.m.

five (5) Ayes

Carried

Highway Superintendent Telaak reported on the following:

- Brush pick up is over for the year.
- Leaf pick up has begun. He asks residents not to mix brush with the leaves as it plugs up leaf machine.

Councilman Murtha had nothing to report.

Councilman Genzel reported on the following:

- The Welcome to Boston sign at the North end of town by the 219 will be moved next spring.
- The Patchin Fire Company took delivery of a new truck from trading in 2 trucks. They reduced the size of their fleet by 1.
- As Affirmative Action Fair Housing Officer, he will be attending a Recertification meeting on October 22nd so the Town of Boston is eligible For the Erie County Block Grant application process.
- Always accepting applications for all the Boards. Submit a letter of interest to Town Clerk Mulé.

Councilman Boardway reported on the following:

- Received an update from Receptions Director Zeniuk.
- Friday Night Recreation will begin November 7, 2014-March 27, 2015.
- Letter from Josh Haeick-Hamburg Junior Baseball/Softball league received Expressing the excellent upkeep of the Town Park's baseball diamonds throughout the 2014 season.

Councilman Vara reported on the following:

- Members needed for the Conservation Advisory Council. Interested Parties send letters/resumes to Town Clerk Mulé.
- Meeting with Waste Management to discuss contract renewal.

Supervisor Ballowe reported on the following:

- Received monthly reports from the Supervisor, Town Clerk, Code Enforcement, Dog Control, Recreation Director and Assessor.
- Information packets on the Highway snow removal contract is available from the Supervisor.

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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

JENNIFER A. MULÉ, TOWN CLERK