

**REGULAR BOARD MEETING
OCTOBER 7, 2015**

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.

Councilman Genzel read the legal notice.

A motion was made by Councilman Genzel and was seconded by Councilman Vara to open the floor for public comments.

five (5) Ayes Carried

Councilman Genzel noted that the Boston Cross Road Drainage project was funded by this. Twice we were awarded \$200,000 grants. Just this past year we finished up phase 2, the first phase was a few years ago. It also finances our transportation vehicle for some of our seniors throughout town.

Councilman Genzel noted there were no public comments.

A motion was made by Councilman Genzel and seconded by Councilman Murtha to close the public hearing at 7:42 p.m.

five (5) 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 October 1, 2015 in the amount of \$176,317.47 be paid.

five (5) Ayes Carried

The following persons were heard:

Bryant Burns, Chestnut Lane asked to Town Board to inform the residents of Boston what has and continues to occur in the town in regards to the Highway snowplowing contract; tree removal on town property at the end of Chestnut Lane; the barricade at the end of Hillside Drive; the brush situation on Boston Cross Road; no parking signs that have not been installed near Bella Pizzeria yet and no parking signs installed at the end of Chestnut Lane.

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

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

A Public Hearing will be held on October 7, 2015 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.

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.

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.

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.

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

DATED: S E P T E M -
BER 16, 2015
P U B -
LISHED: SEPTEMBER 24,
2015

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

"This institution is an
equal opportunity pro-
vider and employer"

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

Supervisor Ballowe clarified that the snowplowing contract was cancelled by the Town Board. The Town Board has the power to sign the contracts and the Town Board has the power to cancel the contracts. We were shorted \$5,000 from the County for Omphalius Road. He stated the contract does say "push back". The county brought in two front loaders and a pickup truck. The contract states clearly "if front loaders are used by the Town of Boston, it is deemed extra work and we get paid for it". If they want to come and do it for free, because it is their road, so be it. They cannot bill the town for it, but they did, and that is why the cancellation of the contract was on the snow removal.

Supervisor Ballowe also stated that we go around, we do brush removal. Bob was asked to do something and I'm sure there were some discrepancies about it.

Supervisor Ballowe also stated that when we order signs in this town, they are ordered per job. When we need them we order them.

Russell Goldberg, Hillcrest Drive asked if the petition submitted by Mr. Burns and Mr. Kurek went to the Highway Superintendent. Mr. Goldberg also continued to read section 205 of the Highway Law – Abandonment.

Supervisor Ballowe stated that the petition is submitted to the Town Board and is received and filed.

Kathy Prackajlo, President, Boston Historical Society extended an invitation to their pot luck dinner on Tuesday, October 13th, dinner starting at 6 p.m. The guest speaker will be Mr. Gilbert, a civil war re-enactor who also has family ties in Boston.

Robert Chelus, current acting Chairman for the Zoning Board of Appeals and the Assessment Board of Review. He requested the Town Board to please act on accepting the resignation of Beverly Kent and appointing Courtney Mead as a regular member. Unfortunately, the absence of this has hindered them to get through their board meetings in a timely fashion. He also stated that he does not feel he should be the chair to both boards and requested the Town Board please act on appointing Kathy Prackajlo as Chairman of the Zoning Board of Appeals as there are no other members interested in the position.

Keith Kaszubik, 5550 Maple Grove Drive commented that as previous town historian he feels it his duty to publically inform the Town Board and its citizens that our town will mark its 200th anniversary on April 5, 2017. He presumes the Supervisor's office is looking for volunteers to serve on the Boston Bicentennial committee and stated the first meeting is tentatively scheduled for January, 2016 and any interested persons should contact the supervisor's office. He also clarified that a resident of the Town of Boston is considered a "Bostonian" vs. a "Bostonite" which was erroneously reported in the local newspaper.

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7:30 P.M.**

Barbara Moore, Liebler Road asked the Town Board for an explanation as to why the Clerk's budget has gone down and the Assessor's budget increased. She also noted that her school taxes have gone way up. She objected to the school collection being moved. One, it is very inconvenient and the residents do not get the same kind of service from other places that they have always gotten in this town. She stated Hamburg businesses will now benefit rather than Boston's. She also noted that there is no budget for the Historical Society asked who the Historian was. She stated other board members are getting calls at home for genealogy information.

Town Attorney Kobiolka stated that school taxes going up is not a function of this board. It is a function of the school board. He commented that it seemed Ms. Moore had done some research and asked her how many man hours are in the Boston Town Clerk's office and in the Eden Town Clerk's office? He stated that there are 35 more hours in our town clerk's office per week than there is in Eden that has the same size town, same number of residences and residents, so how do you feel as though it is being cut? He stated he didn't know where she was coming from.

Supervisor Ballowe stated that we send out budget requests to everybody and did not receive one back from the Historical Society.

Councilman Genzel asked the President of the Historical Society, Kathy Prackajlo if she would like to answer that question.

Kathy Prackajlo stated that she was under the impression that they had.

Councilman Genzel stated that they didn't hand one in last year either. "If you don't ask for money, you don't get money, it's pretty simple".

Supervisor Ballowe stated that the year before it was receive late, but we were able put it in.

Councilman Boardway stated that the Hamburg and Orchard Park School board made the decisions to no longer allow Boston to collect those taxes. They met on their own, made a decision; we were notified in email and in writing. So that decision was made solely by those two boards, not this one.

Supervisor Ballowe stated that they consolidated. Hamburg pulled it away from Boston, Orchard Park and Eden. Orchard Park pulled it away from Boston, West Seneca and Hamburg. They consolidated the first class towns. First class towns collect your school taxes for free. If you have concerns, he suggests residents go to the schools and state them there.

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

Althea Killeen, Cole Road was hoping for an update on what happened with the filed Article 78 and if the Town Board knows anything else about any further efforts of the Community Organization to build on the corner of Omphalius and Cole Roads?

Town Attorney Kobiolka stated that he met with Judge Nemoyer, and representative George Zimmerman from the Attorney General's Office and Mr. Zimmerman, on behalf of the state asked for time to file an answer to the Article 78 petition. It was currently rescheduled for 1:15 p.m. on October 27th. He expects to get something back from him prior to that time. He stated he filed a FOIL request to the state asking them for all information, anything that they have that made them decide to put that group home on Cole and Omphalius. He stated he has not heard back but that they were reviewing the request and would get back to him. He noted that he and Supervisor Ballowe were up there when the company was doing core testing, for, what he assumes, is septic. He knows that Community Services has retained an architect to do a preliminary draft of a home and that they brought it down to the building inspector just for his review.

Town Attorney Kobiolka asked the town clerk if Community Services made application for a building permit.

Town Clerk Mulé stated he would have to ask the Building Inspector.

Town Attorney Kobiolka stated he has spoken to residents from the Town of Eden and Community Services wants to put a group home for six residents on the corner of East Church and Jennings Road. They had their public hearing on September 15th and there were questions as to whether or not the Community could really service emergency services. He won't have any further update until the end of October, first part of November.

Althea Killeen: (inaudible) building inspector (inaudible) aware that the board should be informed if there is an application.

Town Attorney Kobiolka stated yes that the board is well informed.

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

five (5) Ayes

Carried

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to authorize Supervisor Ballowe to enter into a contract for the ongoing use of the postage meter as well as the supplies they are providing gratis for \$375 a month.

five (5) Ayes

Carried

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7:30 P.M.**

A motion was made by Supervisor Ballowe and was seconded by Councilman Vara to table the request for a special permit from Robert and Amy Collins at 8910 Boston State Road and refer it to Code Enforcement officer Ferguson.

five (5) Ayes

Carried

2016 Tentative Budget:

	<u>Appropriations</u>	<u>Est. Revenues</u>	<u>Appropriated Fund Balance</u>	<u>Raised by Taxation</u>
General	1,757,112	1,296,200	272,000	188,912
Highway	1,113,789	365,160	10,000	738,629
Fire	811,888	75,000	0	736,888
Light	20,000	0	0	20,000
Ambulance	92,000	10,000	0	82,000
Refuse/Garbage	570,276	0	0	570,276
Water #1	79,909	0	0	79,909
Water #2	54,892	0	0	54,892
Water #1, Ext.1	5,422	0	0	5,422
Water #2, Ext. 2	32,530	0	0	33,530
Water #3	247,735	0	0	247,735
Water #1, Ext. 1	<u>10,962</u>	<u>0</u>	<u>0</u>	<u>10,962</u>
Totals	\$4,796,515	\$ 1,746,360	\$ 282,000	\$2,768,155

A motion was made by Supervisor Ballowe and seconded by Councilman Vara to schedule a public hearing on November 4, 2015 at 7:40 P.M. to hear public comments regarding the 2016 preliminary budget.

five (5) Ayes

Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to approve the following 2016 schedule of proposed salaries for the elected Town Officials:

Supervisor	\$30,025
(4) Councilman	\$ 8,250
Town Clerk	\$44,820
(2) Town Justices	\$16,125
Superintendent of Highways	\$56,290

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RESOLUTION 2015-07 CURBING FOR THE TOWN HALL

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

Councilman Vara presented the following Resolution and moved its adoption:

WHEREAS, the Town will advertise for the construction of 975 Linear Feet of Concrete roll with curbing to be placed around the parking lot

WHEREAS, the rear parking lot located at 8500 Boston State Road will encompass furnishing all material, equipment and labor necessary to cast a 36 inch wide and 8 inch thick gutter with an integral 4 inch high mountable curb

WHEREAS, the contract will be awarded to the lowest responsible bidder and

WHEREAS, the contract shall include all concrete, steel bar & wire mesh enforcement, granular subbase, excavation, backfilling and site restoration as required for complete and finished project.

NOW, THEREFORE BE IT

Resolved, by the Town Board of the Town of Boston, will advertise for the work as outlined or as according to the project specifications, at the earliest possible date determined by the Supervisor.

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

Ayes: 5

Noes: 0

Absent: 0

RESOLUTION 2015-06 REQUEST FOR EMERGENCY REPAIR FOR CULVERT & DRAINAGE AT 7211 & 7223 BOSTON STATE ROAD

Supervisor Ballowe presented the following Resolution and moved its adoption:

WHEREAS, the County of Erie is responsible for maintenance & drainage on Boston State Road at 7211 & 7223 Boston State Road in North Boston New York and

WHEREAS, the culvert & drainage system has been prone to flooding in this area for the past 3 plus decades causing hundreds of thousands of dollars in damage & lost property values, and

WHEREAS, there is a need for the County of Erie to provide immediate emergency services to prevent further and future loss of property by the attached list of property owners, and

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Supervisor Ballowe interrupted the town clerk. He stated that the budget was done after we got the emails.

Town Clerk Mulé asked the supervisor why he is not extending the same courtesy to her that he does to everyone else.

Supervisor Ballowe stated that the Town Board has no control over the schools.

Town Clerk Mulé informed the residents that if they wanted more information to come to her office.

Supervisor Ballowe also offered residents to come to his office and he would provide emails from the school systems. He stated the schools cancelled. They didn't pick on the Town of Boston. They took it from every town. It's called consolidation. He stated that residents should go to their school boards and explain how they feel. That they pay their school taxes and that you want it to be paid in the Town of Boston and go from there. They didn't want to pay any towns anymore. Supervisor Ballowe stated that residents should go to the school board. The Town Board has no control over what the school boards do.

Highway Superintendent Telaak had nothing to report:

Town Attorney Kobiolka reported on the following:

- Informed Mr. Anthon that the Town Board has sent a letter to Erie County Executive Poloncarz. Councilman Boardway will also take a copy of the Resolution adopted by the Town Board to the County Executive. He asked Mr. Anthon if he has heard anything new.

Mr. Anthon did not speak at the microphone. His response was inaudible.

Councilman Murtha reported on the following:

- He is working on drainage problems.
- Creek clearing is not quite done yet. Waiting for verification to take three more trees down before the company gets paid.

Councilman Genzel reported on the following:

- As fire company liaison the numbers for the last month were as follows: Boston-5, Boston Ems-52, North Boston-4 and Patchin-17 (12 of which were EMS).
- Still negotiating for the Fire contracts. Will meet with the fire companies to discuss further negotiations relative to the contract.
- Boston Cross drainage project complete.
- Working on sign permit for the sign at the North end of town.
- Stated the school tax collection fee came about many years ago for the clerk to collect school taxes.
- Stated a few of them did it in their own house, with their own staff after hours and earned a fee for doing it.

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Councilman Genzel Cont'd:

- He stated the last clerk moved all the operations here to the town hall, did the work in the town hall with the town's staff and collected the fee. Similar to this clerk the last few years, she collected the fee. He stated that fee did not go to the general account, but went into her pocket.
- He stated he is adamantly against being taxed a fee on a tax. So if his house is worth a little bit more than his neighbor, he paid a little more money.
- He stated he commends the Orchard Park and the Hamburg School District for taking over their job. That is their job to collect the fee. He thinks it would be more convenient to put a stamp on an envelope with a check and send it off to the collecting agency than get in your car, using fossil fuels, adding to the global warming and driving down here to pay.
- He stated this has been a thorn in his side for a while.
- In regards to the petition presented tonight, he stated that the right-of-way has never, ever, ever, ever been used. So, if 50 percent of the residents choose to join to abandon that right-of-way, that is their choice.
- Stated he appreciated Mr. Chelus being chairman of both boards. He stated the Town Board will address the issues brought up.

Supervisor Ballowe reported on the following:

- The Town of Boston was paid by two different school districts. Not all the fees went to the clerk. Some of the fees came to the town for operation of the facility. She got paid a stipend, and the rest of the money went toward the operation of this facility. It's an expensive facility to operate. To turn the heat on, computers, buildings, everything else. The money we did collect from taxes, had offset some of those fees, and some went back into our general fund for operation of the facility. Part of it went to the clerk.

Councilman Boardway had nothing to report.

Councilman Vara reported on the following:

- The South Boston basketball court has been blacktopped. It is now usable. Next year it will be surfaced.
- He commended the Boy Scouts for a great job putting in the split rail fence.
- Working with the Town Attorney on a Time Warner issue.

A motion was made by Supervisor Ballowe and was seconded by Councilman Vara to adjourn the meeting at 8:28 p.m.

five (5) Ayes

Carried

JENNIFER A. MULÉ, TOWN CLERK