

**REGULAR BOARD MEETING
SEPTEMBER 3, 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 Genzel and was seconded by Councilman Boardway to approve the purchase of 100 signs and posts for Power line Road residential identification at a cost of approximately \$,1300.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to adopt the minutes of the August 6, 2014 regular meeting.

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 August 28, 2014 in the amount of \$95,048.79 be paid.

five (5) Ayes Carried

Received and filed correspondence from County Executive Mark Poloncarz regarding a five-year consolidated plan for the County of Erie Consortium.

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to refer this request back to the Planning Board so that a second interview can be scheduled.

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

three (3) Ayes (2) two Nays Carried

A motion was made by Councilman Genzel and was seconded by Supervisor Ballowe to confirm that the Town of Boston has received the Liquor License Application from Raphael's, located at 8936 Boston State Road and have no objections to it.

five (5) Ayes Carried

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A motion was made by Councilman Boardway and was seconded by Councilman Murtha to refer the request for appoint from James Liegl to the Planning Board for review and recommendation.

five (5) Ayes

Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to table the approval of the Back Creek Cider Mill Project at 6173 Rice Road due to the 30-day response time for the Solicitation for Lead Agency Status notifications. This will be brought back to the Town Board for decision at the next scheduled meeting of September 17, 2014.

five (5) Ayes

Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to table the Special Permit application from Russell Goldberg.

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

four (4) Ayes

(1) one Nay

Carried

Town Attorney Kobiolka explained that the Town Board would like a more thorough review of the actual work to be performed by Mr. Goldberg and that he has permission from all the agencies involved and that he is doing proper engineering.

At 7:40 p.m. a Public Hearing was held to consider the application from Albert Altherr for a Special Permit for Dumping of Material at 6566, 6568 and 6869 Hillcrest Avenue.

Supervisor Ballowe read the legal notice.

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

five (5) Ayes

Carried

There were no public comments for or against this application.

**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, September 3, 2014 at 7:40 PM, Eastern Prevailing Time, to consider the application from Albert Altherr for a Special Permit for Dumping of Material at 6566, 6568, and 6569 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: August 13, 2014
PUBLISHED: August 21, 2014

JENNIFER A. MULE
BY ORDER OF THE TOWN
BOARD

"This institution is an equal opportunity provider and employer"

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A motion was made by Supervisor Ballowe and seconded by Councilman Murtha to close the public hearing at 7:41 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway upon the recommendation of Town Attorney Kobiolka to reserve decision on this permit application.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to schedule a public hearing on Proposed Local Law #2-2014 entitled a Local Law to Amend certain portions of chapter 95 of the Boston Town Code Regarding Illuminated Signage in the Town of Boston for October 1, 2014 @ 7:40 p.m.

five (5) Ayes Carried

The following persons were heard:

Daniel Kurek, Chestnut Lane had several questions regarding Mr. Goldberg's permit application. Why did the town wait so long to address the water and gas portion? Why does Mr. Goldberg's contractor continue to do work on town property? Why isn't the town's highway department installing this gate and billing Mr. Goldberg? And, when will the fill be removed from his property?

Supervisor Ballowe stated that he would go to the location with the highway superintendent and address the gate issue. The fill issue is between the owners of those properties, not the town. As far as the water and gas issue, Supervisor Ballowe felt the town should be better informed. They do not want to deny anyone the ability to get water and gas on their property, but they also have to make sure it is done properly and not infringing on right-of-ways, etc. Supervisor Ballowe noted that the town will take care of the issue of fill being dumped on town property only.

Bryant Burns commented that the dirt was dumped on town property and when it rains it washes from the town's property onto his and Mr. Kurek's property.

Town Clerk Mulé reported on the following:

- Town Clerk for July and 2014 Town and County Real Property Tax settlement submitted.

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Highway Superintendent Telaak reported on the following:

- Child with Autism sign installed on Thornwood and Watch for Children signs on Homestead.
- Brush pick up continues through September and October.
- Highway workers have been working on mowing shoulders and getting plow trucks ready for winter.

Councilman Murtha reported on the following.

- Creek clearing from Cloverfield Road to Patchin Road has been completed, Unfortunately, since then, 40 more trees have fallen. In the process of receiving quotes for this clean up.

Councilman Genzel reported on the following:

- Fire calls for the month of August as follows: Boston-8, N. Boston-7 Patchin-16, Emergency Squad-39.
- Powerline Road signs approved.
- Meeting with the Fire Chief's and Presidents on September 7 at 6:30 to begin negotiations with Penflex.
- Sending out another letter to residents on the West Hill who did not respond to the income survey.
- Annual letter for donations for Christmas Lighting will be sent out.
- Looking for quality members for all volunteer boards. Submit letter and resume to Town Clerk Mulé.

Councilman Boardway reported on the following:

- Summer Recreation and the Summer Concert Series was a great success this year. There was a daily average of 173 children. A new shelter was erected to shield them from the elements.
- Thanked all the Sponsors of the Summer Concert Series. All donations go directly back into the summer recreation program.
- Friday night recreation will begin shortly. Applications for staff are being accepted.
- School has started be cautious on the roads.
- The county has finally begun fixing Boston Sate Road.

Councilman Vara reported on the following:

- The September 20th Conservation Environmental Awareness day has been cancelled.
- Tennis and Basketball court projects have been completed.
- The goals are up at South Boston Park.

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Supervisor Ballowe reported on the following:

- Received monthly reports from the Supervisor, Town Clerk, Tax Collector and Code Enforcement.
- Highway contract negotiations have be begun.
- Bocce courts are completed.
- New concrete steps installed.
- Soccer has started. All fields are being used.

A motion was made by Supervisor Ballowe and seconded by Councilman Vara to adjourn the meeting at 8:06 p.m.

five (5) Ayes

Carried

JENNIFER A. MULÉ, TOWN CLERK