

Town Board Minutes January 5, 2011

Present: Supervisor Martin A. Ballowe, Councilmen Jeffrey A. Genzel, Jay P. Boardway and Councilwoman Cathy A. Maghran.

Also Present: Highway Superintendent Telaak, Town Attorney Kobiolka and Code Enforcement Officer Ferguson.

Reverend Bonnie Bates, Faith United Church of Christ, opened the meeting with a prayer.

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to approve the 2011 Agreement to spend Town Highway Funds.

four (4) Ayes Carried

Councilman Boardway noted that a comment made in the 12/15/10 minutes by a town resident needed to be clarified. The resident stated that the Highway Superintendent was given a 25% raise. The Highway Superintendent was given a 3% raise along with the rest of the town employees. It was the Parks Superintendent position that received approximately a 20% increase to offset the additional duties he was given for 2011. Some of those additional duties include the upkeep of the new soccer fields at the North Boston Park, landscaping at the New Trooper's Barracks, and providing assistance and plowing of the cemeteries.

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to adopt the minutes of the December 15, 2010 regular meeting.

four (4) Ayes Carried

A motion was made by Councilman Genzel and seconded by Councilman Boardway, upon review by the Town Board, that fund bills on the Abstract dated January 3, 2011 in the amount of \$271,253.80 be paid.

four (4) Ayes Carried

Received and filed notice of Liquor License renewal application for Boston Hotel, 9373 Boston State Road.

At 7:40 p.m. a Public Hearing was held to hear comments regarding Proposed Local Law No. 5 of the year 2010 to rezone 7074 Boston State Road which contains approximately 5.19 acres of land (SBL no. 241.00-2-3.13) from C-1 (Local Retail Business District) to C-2 (General Commercial District).

Supervisor Ballowe read the legal notice.

Gary Fittrey: What will this rezoning allow the applicant to do? Will he be allowed to bring in heavy equipment?

Councilman Genzel: Anything under the C-2 Zoning would be allowed pending a site plan approval by the Town of Boston Planning Board.

Deputy Town Clerk Mule' noted that Code Enforcement Ferguson was present and that he could possibly answer Gary Fittrey's question. He was asked to come to the microphone, but he did not. His answers to Gary Fittrey were in audible.

Gary Fittrey stated he does not have any objection to the storage buildings but does object if the grade of elevation is changed because of the run offs.

Councilman Genzel noted that if there are drainage issues caused from previous actions, it has nothing to do with this rezoning.

Gary Fittrey noted that the downspout from the current building runs from the building onto our property. The downspout should be tied into the storm drain but it's just going out onto the sidewalk. He stated that he is trying to sell his piece of property and Tim Horton's open 24 hours a day is hurting that. The original access was supposed to be limited.

Councilman Genzel noted that any type of new development will have to go through the Planning process first. If that does happen, it will be properly advertised.

Councilman Genzel: The uses that are proposed will all fit within the C-2 zoning whereas they did not under C-1. It is a nice idea to bring in new business into town.

Lisa Wandass: We are just concerned about how it is going to be built because there is quite a bit of a slope.

Councilman Genzel: We will take those concerns to the Planning Board as this design process continues and make sure that any drainage issues are taken care of.

Gary Fittry: It states he has 271? of frontage. If I was building residential and I had a house in the front of my property and I wanted another house in the back is there a town code that there has to be so much frontage?

Councilman Genzel referred the question to Code Enforcement officer Ferguson.

Code Enforcement Officer Ferguson did not come to the microphone so his comments were inaudible.

Gary Fittry: So I can do that with commercial where I can have just one drive way. So if I have a 60-foot right-of-way and I have two separate lots can split off a piece of property that way?

Code Enforcement Officer Ferguson: You can have an easement, but the lot still has to have frontage on the street.

Gary Fittry: But not businesses?

Code Enforcement Officer Ferguson: Businesses do not apply. They just need to have a minimum lot acreage and lot size.

A motion was made by Councilman Genzel and was seconded by Councilwoman Maghran to close the public hearing at 7:50 p.m.

four (4) Ayes Carried

A motion was made by Councilman Genzel and seconded by Councilman Boardway to adopt Local Law No. 1 of the Year 2011 (Proposed Local Law No.5 of the year 2010) Entitled A Local Law to Rezone 7074 Boston State Road which contains approximately 5.19 acres of land (SBL no. 241.00-2-3.13) from C-1 (Local Retail Business District) to C-2 (General Commercial District).

four (4) Ayes Carried

Frank Lisowski: I found out today that another well will be drilled by US Energy less than 1,000 feet from my house.

Councilman Genzel: Former Governor Patterson signed a bill to cease any fracking for a 6-month period in NY State.

Frank Lisowski: The contention of the DEC and US Energy is that this is Medina Rock and they are exempt from the rule of Fraking.

Supervisor Ballowe: How did they provide that information to you?

Frank Lisowski: Verbally, and I did file a complaint about the other well.

Supervisor Ballowe: Could they provide you with a study to prove it was Medina Rock.

Supervisor Ballowe asked Frank Lisowski for the contact and phone number of the gentleman he has been speaking to.

Frank Lisowski: If you have ever been to Chestnut Ridge and seen the Eternal Flame, you will know why I am concerned.

Supervisor Ballowe: Give me a call tomorrow with that name and number. They should be able to give us a report.

Lisa Wandass: When we moved in we were told that the corner at Pearl Street and Hickory Meadows Road would eventually be a culvert. It collects debris and is eroding. Is there any way a culvert can be installed not only for the drainage but aesthetically too.

Highway Superintendent Telaak: The town has not accepted the drainage on that yet. We are still working with Roy Emerling.

Lisa Wandass: Hickory Meadows Road is owned by the Town, Pearl Street is not.

Highway Superintendent Telaak: The town took a stance years ago because of all the problems in that sub division that they were not going to pipe any of those ditches because of the drainage problems.

Highway Superintendent Telaak will meet with Lisa Wandass tomorrow morning to discuss this issue further.

Supervisor Ballowe made the following appointments:

Kathleen Telaak	Assistant to Supervisor	12/31/11
Kathleen K. Selby	Bookkeeper	12/31/11
Kathleen K. Selby	Budget Director	12/31/11

Keith Kaszubik	Town Historian	12/31/11
Jeffrey A. Genzel	Deputy Town Supervisor	12/31/11

A motion was made by Supervisor Ballowe and seconded by Councilwoman Maghran to appoint the following:

APPOINTMENT	TITLE	TERM
Kelly A. Vacco	Deputy Town Attorney/Prosecutor, PT	12/31/11
William G. Ferguson	Code Enforcement Officer, PT	12/31/11
Kasey D. Loftke	Dog Control Officer/Enumerator, PT	12/31/11
Wendy S. Kummer	Court Clerk	12/31/11
John Sibenik	Court Officer, PT	12/31/11
Elizabeth Weitzel	Clerk, PT	12/31/11
Paula Litwin	Clerk, PT/Webmaster	12/31/11
Suzanna Fitzner	Assessment Clerk, PT	12/31/11
Thelma Faulring	Secretary to Boards/Committees, PT	12/31/11
Theresa Horschel	Nutrition Prog. Director, PT	12/31/11
Joyce Jensen	Asst. Nutrition Director, PT	12/31/11
Leo Jensen	Town Hall Laborer, PT	12/31/11
Joyce Carr	Marriage Officer	12/31/11
Jacob Karb, III	Liaison - Cobblehill Cemetery	12/31/11
William Sodja	Town Hall Cleaner, PT	12/31/11
Robert Telaak	Parks Superintendent	12/31/11
Richard Brox	Town Planner	12/31/11
Hannon Engineering, PC.	Town Engineer	12/31/11

four (4) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilman Genzel to establish the following Salary Schedule for 2011:

Position	Salary
Assistant to the Supervisor	30,650/Yr.
Bookkeeper	36,000/Yr.
Deputy Supervisor	1,000/Yr
Clerk, PT (2)	12.75/13.13 /Hr.
Court Clerk	30,650/Yr
Assessor, PT	28,100/Yr.
Assessment Clerk, PT	14/Hr.
Hwy Clerk, PT	10.95/Hr.
Town Attorney, PT	28,000/Yr.
Dep. Attorney/Prosecutor, PT	13,704/Yr.
Court Officer, PT	4,965/Yr.
Deputy Town Clerk	43,515/Yr.
Deputy Town Clerk, FT	26,026/Yr.
Deputy Town Clerk, PT	13.13/Hr
Secretary to Boards, PT	14/Hr.
Recreation Director, PT	15,225/Yr.
Code Enforcement Officer, PT	18,540/Yr.
Dog Control Officer/Enumerator, PT	9,390/Yr.+\$1 per dog
Nutrition Program Director, PT	9.55/Hr.
Asst. Nutrition Program Director, PT	9.55/Hr.
Laborer, PT - Town Hall	12.70/Hr.

Cobblehill Cemetery Liaison 300/Yr.
Records Management Officer No Salary
Registrar of Vital Statistics 1/Yr.
Dep. Registrar of Vital Statistics 1/Yr.
Sub-Registrar of Vital Statistics 1/Yr.
Marriage Officer No Salary
Town Historian 2,475/Yr.
Town Planner 225/meeting
Cleaner, PT Town Hall 3,400/Yr.
Budget Director 2,575/Yr.
Parks Superintendent 6,500/Yr.
Parks Seasonal Employees \$11.75/\$10.75/\$9/Hr.

Highway Department Per Collective Bargaining Agreement.

four (4) Ayes Carried

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to approve the following:

Set Payment of Salaries:

Bi-weekly to the Town Clerk, Deputy Town Clerks, Supervisor, Assistant to Supervisor, Highway Superintendent, Deputy Highway Superintendent, Bookkeeper, Court Clerk, Clerk PT, Assessor, Assessment Clerk, Secretary to Boards/Committees and M.E.O.'s, truck Drivers, and Laborers, all others are paid on a monthly basis.

Designate Official Bank:

North Boston Branch of the Evans National Bank for Supervisor, Town Clerk, Town Justices, Tax Collector, and Dog Control Officer.

Schedule Dates and Times for Regular Monthly Meetings and Agenda Review:

Town Board Meeting: First and third Wednesday of the month at 7:30 p.m.

Agenda Review: First and third Wednesday of the month at 6:00 p.m.

Designate Official Newspaper: The Springville Journal and the Hamburg Sun.

Appointment to NEST Solid Waste Management Board:

Supervisor Ballowe

Alt. Dr. Norman Hertz

Authorization of Surplus Monies:

Authorize the Supervisor and the Tax Collector to invest surplus monies.

Investment policy:

Investment policy previously adopted by the Town Board where idle town monies may be invested, subject to any further regulation from the State Comptroller pursuant to Section 39 of the General Municipal Law as follows:

1. Obligations of Federal Government - Treasury Notes, Treasury Bills, etc.
2. Obligations of Federal Agencies Guaranteed by the Government.
3. Obligations of the State of New York
4. Certificates of Deposit in Commercial Banks, which are FDIC insured.
5. Regular Savings Accounts, Money Market Accounts in Commercial Banks if proper securities are provided for all monies invested in excess of the amount secured by FDIC.
6. Tax Anticipation Note and Revenue Anticipation Notes of another municipality, district, corporation, or school district, any other investments not listed will require prior approval by the Town Board and be in conformance of all state statutes.

The Town Supervisor will keep a record of all such investments and provide a report to all Town Board Members monthly.

Check Writer and Signature Stamp for the Supervisor: Authorize the use of.

Rate Per Mile: 40 cents per mile.

Schedule the Annual Audit Meeting: January 19, 2011 6 p.m.

Lending Funds: Authorize the Supervisor to lend funds from one account to another.

Form and Sufficiency of the Bonds: To approve.

Refuse Collectors Annual Licenses: Direct Town Clerk to send letters to refuse collectors that annual licenses are due.

Workdays & Retirement Reporting (Part Time):

Assign the following to be reported by New York State Retirement purposes for elected and appointed Town Personnel with six (6) hours being designated as a workday:

Town Justices

Councilman

Court Officer

Supervisor

Deputy Supervisor

Dep. Town Clerk (pt)

Code Enforcement Officer

Town Attorney

Dep. Town Attorney/Prosecutor

Summer Recreation Supervisor

Recreation Director

Assessment Clerk

Town Hall Cleaner

Assessor

Dep. Town Clerk (pt)

Dog Control Officer

Work Days & Retirement Reporting (Full Time):

Assign the following workdays to be reported by New York State Retirement purposes for elected and appointed Town Personnel as full time based on a seven (7) hour workday for New York State Retirement purposes:

Town Clerk

Deputy Town Clerk

Superintendent of Highways

Deputy Highway Superintendent

Bookkeeper

Assistant to Town Supervisor

Court Clerk

Public Improvement Specifications: Approve.

Petty Cash Funds:

Town Clerk \$300

Town Justice \$200

four (4) Ayes Carried

RESOLUTION 2011-01 PROCUREMENT POLICY

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to set the following 2011Holidays for the Town of Boston:

New Year's Day Jan 2

Election Day Nov 8
Martin Luther King Jan 17
Veteran's Day Nov 11
President's Day Feb 21
Thanksgiving Day Nov 24
Good Friday April 22
Day after Thanksgiving Nov 25
Memorial Day May 30
Christmas Eve Dec 23 (½ day)
Independence Day July 4
Christmas Day Dec 26
Labor Day Sept 5
New Year's Eve Dec 30 (½ day)
Columbus Day Oct 10
New Year's Day Jan 2

This holiday schedule does not apply to Highway employees. Refer to Collective Bargaining Agreement.

four (4) Ayes Carried

RESOLUTION 2011-02 ADOPT SCHEDULE OF FEES

A motion was made by Councilman Genzel and seconded by Supervisor Ballowe to approve the Transfer of Appropriations as follows:

GENERAL FUND:

FROM: ACCT.

Estimated Revenues A510 16,000.00

Appropriations A960 76,125.00

Total 91,125.00

Assessors Fees A1250 16,000.00

Contingency A1990.4 76,125.00

Total 92,125.00

TO: ACCT. CREDIT

Appropriations A 960 92,125.00

Total Credit 92,125.00

DEBIT

Town Board-Contractual A1010.4 700.00

Court-Contractual A1110.4 4,500.00

Assessor-Per. Svc. A1355.4 16,000.00

Fiscal Agent A1380.4 27,000.00

Attorney-Contractual A1420.4 3,700.00

Cent. Comm.-Contractual A1650.4 16,500.00

Publicity-Contractual A6410.4 25.00

Nutrition-Contractual A6772.4 400.00

Friday Night Rec-Per.Svc. A7140.1 700.00

Zoning ? Pers. Svc. A8010.1 350.00

Conservation-Per. Svc A8710.1 250.00

Unemployment Insurance A9050.8 22,000.00

Total Debit 92,125.00

HIGHWAY FUND

FROM: Acct. DEBIT

Estimated Revenues D510 32,500.00

Appropriations D960 77,347.76

Total Debit 109,847.76

CREDIT

Other State Aide-Shared Grant D3089 32,500.00

General Repairs-Fuel & Diesel D5110.4A 10,000.00

Snow Removal-Contractual D5142.4 33,673.88

Serv. Other Gov't-Contractual D5148.4 33,673.88

Total Credit 109,847.76

TO: Acct. CREDIT

Appropriations D960 109,847.76

Total Credit 109,847.76

DEBIT

General Repairs-Contractual D5110.4 40,120.00

General Repairs-Drainage D5110.4B 9,700.00

Capital Outlay D5112.2 24,527.76

Machinery-Equipment D5130.2 32,500.00

Health Insurance D9060.8 3,000.00

Total Debit 109,847.76

four (4) Ayes Carried

Supervisor Ballowe noted that a letter of resignation as a Regular Member of the Zoning Board of Appeals was received from Walter Slomka.

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to re-appoint Patrick Penrod to the Zoning Board of Appeals term to commence immediately and end 12/31/2013.

four (4) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to table the request for reappointment to the Zoning Board of Appeals as an alternate member from Joanne Bonsack.

four (4) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to approve the Use of Facility Application from the Boston Chamber of Commerce ? King Fish Services for July 6, 2011.

four (4) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilman Boardway to authorize Supervisor Ballowe to enter into a contract with Connie D. Miner & Co., Grant Consultants for a fee of \$15,000, term to expire 12/31/11.

four (4) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Supervisor Ballowe to approve the 2011 Boston Free Library Depository Lease Agreement in the amount of \$1,000 and authorize Supervisor Ballowe to execute the same.

four (4) Ayes Carried

Councilwoman Maghran thanked Legislator Lynn Dixon for her support with the libraries.

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to table the Boston Historical Society Contract.

four (4) Ayes Carried

Supervisor Ballowe thanked all the Town Employees their hard work this past year.

Deputy Town Clerk Mule' noted that Tuesday January 11th there will be a blood drive from 2:00 p.m. to 7:00 p.m.

Highway Superintendent Telaak noted that there are three, 7 hour snow-plowing shifts this year. The roads are in good shape and it is keeping the overtime costs low. Overtime this past year was down to 1,060 hours compared to 2,596 hours in previous years.

Highway Superintendent Telaak noted that he would like to purchase a tractor/back hoe that would back up the High Lift in the winter and for loading sand and salt and the Grad all in the summer. He noted there is money left over in the surplus equipment fund which will help with the payment of such. He will prepare specs for the Town Board.

Highway Superintendent Telaak noted that a lot of the work done at the Troopers' Barracks was done by the Highway workers, and working together with the Parks Department saves a lot of money. Christmas decorations are being taken down and should be finished by the end of the week.

Highway Superintendent Telaak noted that there has been a lot of work being done on the eighteen-mile creek with NSDA, and NRCS. The Anthony Gulf and the Lewis property projects are completed. There are still two more projects one on May Drive and one on Back Creek Road.

Councilman Genzel thanked all of his constituents and supporters during this past year.

Councilman Genzel, as Engineering Liaison he is continually working on future water projects, such as Cole and Shero Roads. Many drainage projects were completed this past year that helped many residents. Three or four town sponsored drainage projects are going to be bid out in the near future.

Councilman Genzel thanked the Christmas Lighting Committee for their efforts.

Councilman Genzel noted that the Capital Improvement Committee did not meet often last year. He hopes that discussion will take place about a use for the old trooper's barracks.

Councilman Boardway thanked all his constituents and employees of the Town of Boston for their hard work this past year.

Councilman Boardway noted that at the special meeting the Town Board and the Fire Companies have agreed to a memorandum of understanding for the extension of continued fire services after December 31 until January 19, 2011, of which then a Public Hearing will be held.

Councilman Boardway noted that the Emergency Volunteer in town serve it and us well cannot be over stated how much this town values their service and commitment to this town. For the Year 2010 the Boston Fire Company had 68 calls, Patchin ? 113 calls, North Boston Fire Company ? 114 calls and the Boston Emergency Squad responded to exactly 400 calls.

Councilman Boardway noted that there are changes in progress with Penflex. He hopes for more progress in the upcoming year that will bring a cost savings to the town but also assure that our volunteers continue to be protected.

Councilman Boardway noted that Christopher Zemrac a 20-year member of the Town of Boston EMT and teacher at the Hamburg High School was named as one of five finalists in the second annual "Touchdown for Teachers" program sponsored by M&T Bank and the Buffalo Bills.

Councilwoman Maghran noted that the Recreation Department is looking for an indoor soccer league volunteers. Councilwoman Maghran thanked all the Town of Boston Employees and Volunteers for their hard work and support this past year.

Councilwoman Maghran thanked all those who donated to the families of the Sharing tree this year. We helped make Christmas a little better for 40 children this year.

Councilwoman Maghran noted that after two years of discussion and hard work a shelter will be installed at the North Boston Park and Ride this spring.

Supervisor Ballowe noted that a 2010 annual report from Town Historian Keith Kaszubik.

Supervisor Ballowe also noted that applications are being accepted for the vacant Councilman position.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:38 p.m.

four (4) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK