

**REGULAR BOARD MEETING  
MARCH 18, 2015**

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

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

Also Present: Town Attorney Kobiolka and Highway Superintendent Telaak.

A Motion was made by Councilman Boardway and seconded by Councilman Vara to adopt the minutes of the March 4, 2015 regular meeting.

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

four (4) Ayes (1) one Nay 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 March 12, 2015 in the amount of \$340,278.35 be paid.

five (5) Ayes Carried

The following persons were heard:

Tracy Hirsch, Cole Road thanked Supervisor Ballowe for communicating with him regarding the property at Cole and Omphalius Roads. He spoke for most of the people in attendance requesting that they ultimately be informed of whom this property would be sold to and exactly what it will be used for. He stated that they are not against the development for a People, Inc. residence. Their concern is if it goes to something beyond that. He asked that the residents be informed of any meetings or public hearings once the Town Board is notified of the property use intentions.

Councilman Boardway noted that representatives from this agency attended the last agenda meeting and shared information regarding this proposed housing facility. He stated that this town board is against this proposed facility and they will be scheduling a public forum where the concerns of the residents can be heard.

Tracy Hirsch appreciates the overview and thanked the Town Board for the communication.

Supervisor Ballowe stated this property has not sold yet. He asked everyone to put their names and addresses on the paper and letters would be sent out keeping them informed

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A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway upon the recommendation of Town Attorney Kobiolka to authorize the hiring of Joe Bennett; Attorney at Law for a fee of \$1,500 to assist the town in this proposed housing facility issue.

five (5) Ayes

Carried

Town Attorney Kobiolka stated he will be scheduling two (2) hearings; one for a public informational hearing. This will give the residents a chance to ask the questions directly to the people wanting to build this facility and the second to schedule an administrative hearing for May 1. He would have both of these dates confirmed at the next Town Board meeting.

Russ Goldberg commented that he has been a resident of Boston for approximately 45 years and hopes that he will be able to use the right-of-way to get gas and water to his home. He stated that with Spring approaching he would like to be ready to start construction and would be pleased to get any advice that could help him obtain this.

Kathy Prackajlo, President Boston Historical Society invited all to their potluck dinner on Tuesday, April 28<sup>th</sup> at 6 pm, Town Hall Community Room. Michael Monin, will be giving a presentation on World War 1 in celebration of the Town of Boston's 100<sup>th</sup> anniversary.

Kathy Bender asked if residents should be writing to our state senators or assemblyman in regards to this proposed housing facility.

Supervisor Ballowe noted that he has already spoken with Senator Gallivan and asked for any type of assistance and/or direction on this subject. He stated that any type of contact from the public to our Assemblyman, Legislator and Senator will definitely help. He noted that as of right now the sale has not been finalized and there will be a meeting scheduled to invite the individuals out to answer questions. He stated he is not against group homes, but when there is a private individual building a home to rent to the state that hides behind the HIPAA law and cannot give an honest answer to the taxpayers in this town that pay for all the services, that he will receive free, they have an issue with that.

Town Attorney Kobiolka stated that when the Town Board turned down this proposal copies were sent to our Assemblyman and State Senator. He stated any written suggestions can be given to the Supervisor's assistant or the Town Clerk and he would read all of them.

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Barbara Bender-Suto stated that she lives directly across from the piece of property in question and has serious concerns about the type of resident it will house, to septic issues. She is disappointed she heard about it from a neighbor handing out flyers and not contacted by the town.

Supervisor Ballowe stated this is why the Town Board found it best to seek outside council.

Barbara Bender-Suto offered a signed petition to the Town Board against this project.

Tom Segalla complimented Supervisor Ballowe for promptly responding to his email and commented on his dissatisfaction of this project.

Edward Keifhaber inquired as to when the property in question became a building lot, and that he has been turned down twice to build a house on it because it needed to be a minimum of three acres.

Town Attorney Kobiolka stated that it was individual lots and individual deeds prior to our code. They will be looking into whether or not it is a buildable lot or not.

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

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Murtha to accept the Annual Update Report for the year 2014.

five (5) Ayes Carried

A motion was made by Councilman Vara and was seconded by Supervisor Ballowe upon the recommendation of the Conservation Advisory Council to reappoint Donald Buckley and Sharon Stuart as regular members with terms to expire March 1, 2018.

five (5) Ayes Carried

A motion was made by Councilman Vara and was seconded by Supervisor Ballowe to appoint Paul Scolese to the Boston Emergency Squad and will continue until such time as resignation, removal or replacement.

five (5) Ayes Carried

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Town Clerk Mulé reported on the following:

- The Annual Update Document Report for the year 2014 was received and is on file in the Town Clerk's office. Copies are available upon request.
- Penalty phase for tax collection has begun.
- Have received numerous calls from residents stating they either have not received or just received their tax bills. Unfortunately, Erie County tax Act states that penalties cannot be waived. Residents who are experiencing this issue are encouraged to contact the post office.

Highway Superintendent Telaak reported on the following:

- Brush pick up will begin April 1 and then again May 1.
- Wood Chips and dirt fill will be available.
- Will begin cleaning out ditches. Contact the Highway Department if you would like yours cleaned out.
- Leaves still available. If there are no requests for the leaves, he asked for Town Board permission to dump them at his farm. Otherwise the town has to pay to have them hauled to Orchard Park.

A motion was made by Councilman Boardway and was seconded by Councilman Murtha to authorize Highway Superintendent Telaak to dump surplus leaves if not requested by residents first, to be dumped on his farm property.

five (5) Ayes

Carried

Town Attorney Kobiolka reported on the following:

- Planning Board meeting scheduled for Tuesday, March 24<sup>th</sup> has been cancelled due to lack of agenda items.

Councilman Murtha had no report.

Councilman Genzel had no report.

Councilman Boardway reported on the following:

- Stated the strongest government is your local government.
- Senator Gallivan will put forth legislation to try and repeal the Safe Act.

Councilman Vara reported on the following:

- Getting prices to redo the basketball court at the South Boston Play ground.
- Annual Conservation Advisory Council Fishing Derby, May 9<sup>th</sup>.

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Supervisor Ballowe reported on the following:

- Received monthly reports from the Supervisor, Town Clerk, Code Enforcement Officer and Dog Control officer.

Supervisor Ballowe: The 2014 Annual Financial Report is filed with the Office of the State Comptroller and the report is available for review in the Town Clerk's office. I am also proud to report that our town is in very solid financial ground. But, given the uncertainty of the future and state plans, we must be prudent in our future budgeting and financial practices. The 2014 general fund revenues and expenses were favorable by a combined savings total of \$100,000. This is mainly due to favorable sales tax as well as slightly lowering total operating expenses of the town. The Highway fund expenses were down significantly from the prior year as well as compared to the budget. This was mainly due to not replacing a retired employee as well as less sand and salt purchases. As everyone knows, we did not enter into the contract with Erie County to plow their roads. Having reserves in the Highway fund will allow us to designate highway equipment service, which, we are in desperate need of. We have old equipment that we are going to start looking at replacing. It is important for the government to maintain an adequate reserve, fund balance in order to prepare for the unexpected rises in mandates that are put upon on by the state and the county.

When we came into office our reserves were \$1.4 million and we have grown them to \$1.6 or \$1.7 million. We take those reserves; we do not raise your taxes. We have been updating building and roofs that we need and playgrounds for the children and everything that was not updated within this town. What we do is stabilize your taxes. With finishing the budget for 2015 there was no tax raise for the 5<sup>th</sup> year in a row in the Town of Boston.

- Supervisor Ballowe asked everyone to sign the sheet and include their Mailing information so they can be notified of the proposed housing project once everything is set.

A motion was made by Supervisor Ballowe and seconded by Councilman Vara to adjourn the meeting at 8:12 p.m.

five (5) Ayes

Carried

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**JENNIFER A. MULÉ, TOWN CLERK**