

**REGULAR BOARD MEETING  
MAY 6, 2015**

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

Present: Supervisor Martin A. Ballowe, Councilmen 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 Supervisor Ballowe and was seconded by Councilman Boardway to schedule a public hearing to hear comments regarding the granting of a franchise to Donald Rachwal, residing at 5474 Keller Road, Boston, New York to mow, trim and/or cultivate the vacant land owned by the Town of Boston at 8555 Boston State Road, Boston, NY SBL# 227.00-5-57.11 for June 3, 2015 at 7:40 p.m.

five (5) Ayes

Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to schedule a bid opening for the sale and removals of excess fill and unscreened topsoil for Friday, May 29, 2015 at 10 a.m.

five (5) Ayes

Carried

Supervisor Ballowe stated that the money will be put back into our parks.

A motion was made by Councilman Boardway and seconded by Councilman Murtha to adopt the minutes of the April 15, 2015 regular meeting.

five (5) Ayes

Carried

A motion was made by Councilman Murtha and seconded by Councilman Vara, upon review by the Town Board, that fund bills on the Abstract dated May 1, 2015 in the amount of \$148,161.34 be paid.

five (5) Ayes

Carried

Received and filed correspondence from the Planning Board.

The following persons were heard:

Herbert Klein, President of Maplewood Cemetery stated that in the past he has sought help from the Highway Department through the town board to allow the Highway Superintendent to plow the snow in the winter and assist in the removal of dirt as needed within the cemetery. He thanked the Highway Superintendent for that help. However, he would like some additional assistance. There is dirt that has been compiling from digging foundations and topping off graves that needs to be removed. We also have an indent in our driveway that could use some blacktop.

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He noted that state law does allow municipalities to assist cemeteries. A lot of cemeteries are running out of funds and when that happens, the town takes over maintaining them. The Town of Hamburg was giving Prospect Lawn \$1,000 a month to operate. It is very expensive to run a cemetery full of trees. Over \$3,000 was spent to remove a big tree which needed a crane to pick it up and set it down so it would not disturb the stones. The funeral business has come under a big change in the last few years. There are a lot of cremations. We allow two cremations in a grave, which cuts down on the sale of graves. We depended on sale of graves and interest and we all know what happened to the banking business and interest.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to authorize Highway Superintendent Telaak to assist Herb Klein, President of the Maplewood Cemetery with the removal of excess dirt and allowing blacktop to be used to fill low sections of the access driveway as needed.

five (5) Ayes

Carried

Bryant Burns, Chestnut Lane asked what the town is doing about the dirt/fill situation at the end of Chestnut Lane and the matter of the inadequate livestock gate.

Discussion ensued between Mr. Burns and Supervisor Ballowe and Councilman Boardway regarding the ongoing issue on Chestnut Lane. Supervisor Ballowe noted bids were being solicited for topping, grading and hydro seeding of the area in question. When all bids are received it will allow them to take corrective measures of grading and reseeding it to hold the dirt.

Supervisor Ballowe read the following letter from Town Engineer Hannon into the record:

***Hannon Engineering, P.C.***

April 20, 2015

Martin Ballowe, Supervisor  
Town of Boston  
Boston Town Hall  
8500 Boston State Road  
Boston, NY 14025-9648

Re: Backfill placed within right-of-way - Chestnut Lane

Mr. Ballowe:

Last week I received a telephone call from Dan Kurek who resides at 6551 Chestnut Lane. During our conversation, Mr. Kurek expressed his concerns about the status of fill that was placed within the Chestnut Lane right-of-way where the roadway currently ends.

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These materials were reportedly trucked in by another resident and dumped in the right-of-way without the Town's authorization. Last October I visited the site with you and Councilman Genzel, at which time I took the attached photographs. From an engineering perspective I have the following concerns:

- Slope stability. The embankments are steep for this material and localized slides could result.
- Erosion. The profile and embankment steepness could result in gully erosion or sheet erosion.
- Traffic safety. The road ends abruptly where the steep fill section begins.

I am not recommending the complete removal of the fill materials from the site. During my conversation with the homeowner, I stated that such an operation could do more harm than good. It is my opinion that the fill can remain, but some corrective measures must be taken to address the concerns identified above. To mitigate the steep embankment conditions and potential for erosion, some basic re-grading should be performed to flatten the fill slopes to a maximum of 2:1. Once the grading is complete, restore the entire disturbed area with erosion resistant vegetation, rock stabilization or a combination of these practices. Finally, furnish and install the appropriate signs, positioned along the roadway, such that they are consistent with the Manual of Uniform Traffic Control Devices (MUTCD). Highway Superintendent Telaak stated that signage and barricades are presently adequate to ensure traffic safety and they are consistent with similar dead end situations elsewhere in the town. If you would like us to review the MUTCD standards further and make signage recommendations I will do so. I trust this clarifies our position with respect to the referenced situation.

Very Truly,  
James D. Hannon, P.E., President  
***Hannon Engineering, P.C***

Daniel Kurek, Chestnut Lane also stated several concerns regarding the issues at the end of Chestnut lane and his discussion with Town Engineer Hannon. He stated that Town Engineer Hannon told him and Councilman Genzel that all that stuff up there was wrong, and it shouldn't be that way. There should not be a livestock gate and there should not be bollards, but a guardrail. Mr. Kurek believes all board members should answer questions asked of a homeowner in the Town of Boston.

Supervisor Ballowe stated that he believes he did answer about the dirt removal. He will call Town Engineer Hannon and get additional answers.

Councilman Boardway stated that the correspondence received from the town engineer answered all of Mr. Kurek's questions.

A copy of the letter written by the town engineer was given to Mr. Kurek by Town Clerk Mulé.

Daniel Kurek stated that he has lived on Chestnut Lane for thirty years and it's never needed bollards. There were always trees, a stop sign nailed to a tree and there were a bunch of piles of dirt at the end of that road. So somebody could fly down that road and they are still not going to go airborne over because the trees were there to stop anyone from going over that.

Supervisor Ballowe noted that the Highway Superintendent did not put in the bollards, the Town Board did. There was a concern about safety and stop signs. The bollards and the stop sign were installed at the request of the residents.

Supervisor Ballowe Cont'd: The trees were removed because the town was going to put in a turn-around to accommodate the highway and Waste Management trucks. Unfortunately, there was a conflict with residents so the board stopped that process and decided on the bollards and stop signs. This issue has been on the record many times. This town board has done everything requested of them. He stated that the dirt will not be removed. According to the Town Engineer Hannon it is much safer than the drop off that was there.

Russell Goldberg asked if the town would be open to having a roadway proceeding the entire way, essentially making a continuous route from Chestnut Ridge Road through Hillcrest across the area in dispute and connecting to the end of Chestnut Lane?

Supervisor Ballowe stated that was a good question and thanked him.

Tracy Hirsch, Cole Road asked if there was extra fill from the Cemetery and if there were nowhere else to put it, the town could dump it at 9009 Boston State Road. He also asked the Town Board if there was any town owned property that can be exchanged for the property at Cole and Omphalius Roads. He also noted that there was a gas line that runs through this property.

Supervisor Ballowe stated that they are looking at not only town owned but county owned property in the town that is available. The Town Board is giving them a few options. He stated that National Fuel was contacted today, and are hoping for an answer on where this gas line is soon.

Highway Superintendent Telaak informed Mr. Hirsch to fill out the form for Dumping of Material.

A motion was made by Councilman Boardway and was seconded by Councilman Vara to approve the Application for Use of Town Facility from the Hamburg Junior Baseball League for beginning May 1, 2015 through August 31, 2015, Monday -Friday, 5 pm to sunset.

five (5) Ayes

Carried

A motion was made by Councilman Genzel and was seconded by Councilman Murtha to approve the Application for Use of Town Facility from the Boston Lion's Club for June 21, 2015 from 11 pm to 5 pm.

five (5) Ayes

Carried

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A motion was made by Supervisor Ballowe and was seconded by Councilman Vara to table the request for use of town fields from Buffalo Wings Baseball until the applicant submits all the necessary paperwork.

five (5) Ayes

Carried

Supervisor Ballowe requested that they fill out the Application for Use of Town Facility with all the appropriate information.

Town Clerk Mulé instructed Mr. Walker to call the Town Clerk's office for details and proper instruction.

A motion was made by Councilman Genzel and was seconded by Councilman Vara to schedule a bid opening for the Mill Street Storm Drainage Project Phase 2 for June 15, 2015 at 10 a.m.

five (5) Ayes

Carried

Town Clerk Mulé had no report.

Highway Superintendent Telaak reported on the following:

- Contacted by a representative of the girl scouts who are requesting permission to plant a tree within the town park. If help is needed, the highway department will assist.
- Pipe for the Boston Cross drainage project has been delivered.
- Wood chips and fill available. Brush should have been out by May 1<sup>st</sup>.

Town Attorney Kobiolka reported on the following:

- Thanked everyone who participated in the hearing on the 30<sup>th</sup>. Hope to have a decision from the state within three to four weeks.

Councilman Murtha reported on the following:

- He will be walking 18-mile Creek for the Selective Clearing and marking trees then calling some companies to bid that job out.

Councilman Genzel had no report.

Councilman Boardway had no report.

Councilman Vara reported on the following:

- Fishing Derby will be on Saturday, beginning at 9:30 a.m.
- Working on getting bids on South Boston Basketball court.
- Working with Time Warner on a new contract. Trying to get cable up on Feddick and Cole Roads.

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- Attended a recycling conference.
- Will attend the Conservation Advisory Council meeting this Wednesday.

Supervisor Ballowe reported on the following:

- Received monthly reports from the Dog Control Officer.
- Thanked all the residents that supported and spoke out about the proposed group home.

A motion was made by Supervisor Ballowe and was seconded by Councilman Murtha to adjourn the meeting at 8:09 p.m.

five (5) Ayes

Carried

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**JENNIFER A. MULÉ, TOWN CLERK**