

Town Board Minutes December 1, 2010

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

Also Present: Town Attorney Kobiolka and Highway Superintendent Telaak.

Rev. Laun, Churchill Memorial United Methodist Church, opened the meeting with a prayer.

RESOLUTION 2010-20 ACCEPTANCE OF WATER DISTRICT #3, INCREASE IN FACILITY AND IMPROVEMENTS

Supervisor Ballowe noted that since the water district is taking longer to complete and incurring more expenses to the town, an agreement has been made with the contractor to reimburse \$17,000 to cover the cost for the water district closing that should not have taken place and for the final closing. He is paying for both closings for the town, which will save the town approximately \$9,000. The first closing cost \$6,000 and the second will cost \$9,000. The contractor also agreed to pay all the penalties.

A motion was made by Councilwoman Maghran and seconded by Supervisor Ballowe to accept the minutes of the November 17, 2010 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Supervisor Ballowe, upon review by the Town Board, that fund bills on the Abstract dated November 24, 2010 in the amount of \$572,278.72 be paid.

five (5) Ayes Carried

Barbara Moore spoke from the back of the room regarding Love Inc., her comments were inaudible. Town Attorney Kobiolka reiterated that all individuals should step up to the microphone, state their name, and address for the minutes.

A motion was made by Councilwoman Maghran and seconded by Councilman Boardway to table the bid results for the demolition of 9378 Boston State Road until the December 15, 2010 Regular Board Meeting to allow the owner to have the building demolished.

Councilman Genzel NAY Councilwoman Maghran AYE

Councilman Boardway AYE

Councilman Pluta AYE

Supervisor Ballowe AYE

four (4) Ayes one (1) Nay Carried

A motion was made by Councilman Genzel and seconded by Councilman Boardway to schedule a Public Hearing for January 5, 2011 at 7:40 PM on the proposed Local Law #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).

five (5) Ayes Carried

At 7:40 p.m. a Public Hearing was held to hear comments regarding Proposed Local Law No. 4 of the year 2010, entitled, "A Local Law, to Amend Chapter 49 Dogs, Section 2, License required of the Code of the Town of Boston. This local law shall become effective January 1, 2011.

Supervisor Ballowe read the legal notice.

Town Attorney Kobiolka noted that NYS had passed a law to have NYS Department Agriculture and Markets turn over the function of Dog Licensing over to the towns and cities. This local law shall become effective January 1, 2011.

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

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Supervisor Ballowe to adopt the Proposed Local Law No. 4 of the Year 2010 entitled, "A Local Law, to Amend Chapter 49 Dogs, Section 2, License required of the Code of the Town of Boston.

Five (5) Ayes Carried Carried

Received and filed monthly reports from the Town Clerk, Assessor, Code Enforcement Officer, and Dog Control Officer.

Deputy Town Clerk Mule' noted that Boston Sharing Tree is up in the front foyer. The deadline for the gift return is Friday, December 17, 2010. We had 28 children who will receive these gifts. She encouraged everyone to take an ornament.

Highway Superintendent Telaak noted that leaf pick up is officially over. He noted that snow has been pushed from driveways leaving snow in the street. He noted there is a state law regarding this will remind the resident when this happens. After that, the State Troopers will be called to address the situation.

Councilman Pluta thanked the Parks Department for putting up the Christmas lighting, and the volunteers on the Christmas Lighting Committee. He stated that he is a representative on the Erie County Fire Advisory Board and his duties include representing the Boston Colden Fire Chiefs Association and attended their meeting on Monday and there was discussion about the situation in West Falls where the treasurer was convicted of embezzling funds. Councilman Pluta noted that he wants the residents of Boston to know that the fire companies in this town have been here for 100 years and they have good practices in place ensure that this does not happen and the taxpayers are protected.

Councilman Genzel: Councilman Pluta, were you good friends with Gerald Whittington and how many fire trucks did you purchase from him?

Councilman Pluta: He was an acquaintance. I do not appreciate your line of questioning. I do not think it is relevant and I suggest that you talk to the Patchin Fire Company. It has nothing to do with me representing the town on this town board. I am owed an apology.

Councilman Genzel as Engineering Liaison met with National Grid, Town Attorney Kobiolka, and Supervisor Ballowe regarding culvert replacements along Power Line Road causing increased flow into the valley. Town Attorney Kobiolka and Town Engineer Hannon have recommended that these increased-size culverts not be installed as it will cause more water flow to the valley.

Councilman Genzel as Drainage Liaison stated an RFP is done for the Eighteen Mile Creek log cutting. It is awaiting approval from Supervisor Ballowe and Town Attorney Kobiolka. The Nordblum, May, and Lewis property erosion and bank stabilization projects will begin December 15, 2010.

Supervisor Ballowe added that site bidding will be on December 3, and the bid opening is December 5, 2010.

Councilman Genzel thanked Parks Superintendent Telaak, Scott Fellowes, and Barry Decker for putting up the Christmas lights. He also thanked Herb Klein and his helpers for putting up the manger. Councilman Genzel donated the LED lights for the manger scene and that will be taken out of his 20% reduction for 2011.

Councilman Genzel noted a special thank you to the following businesses for their combined donations of \$425 to the Christmas Lighting Fund:

Gernatt Asphalt Product, Inc.	\$100
Buffalo Buck's Smoke House Restaurant Inc.	\$ 50
Hamburg Overhead Door, Inc.	\$100
Boston Hill Nursery	\$ 50
Bennett Difilippo & Kurtzhalts	\$ 50
Capital Markets Advisors, LLC.	\$ 25
TRI-R Mechanical Services, Inc.	\$ 50

Councilman Pluta: I think that your line of questioning is highly inappropriate. I am offended and I am getting tired of the harassment by this Town Board. I think this line of questioning is certainly inferring something improper. It has nothing to do with me representing the town on this council and I am owed an apology.

Councilman Boardway: Councilman Pluta you indicate that you represent the town. Have you been making derogatory comments about this Town Board at fire meetings with other people present?

Councilman Pluta: My duty to the taxpayers is to represent my opinions. I have never seen fire contracts handled in this way. I do not agree with it and I disagree with the way the firemen are being treated.

Supervisor Ballowe: I do not think that I have mistreated anyone.

Councilman Pluta: Councilman Boardway asked if I made statements. When there are statements posted on the internet stating that there is going to be fire companies without customers. Councilman Boardway is that appropriate? Isn't that derogatory?

Councilman Boardway: No. That is factual.

Councilman Genzel: Have you attended any of the negotiation meetings with the fire companies?

Councilman Pluta: No.

Councilman Genzel: You have gone to no budget meetings, no contract negotiations?

Councilman Pluta: I have been to one budget meeting and that is because I am on the executive board to review the budget of the fire company. That is it. It has nothing to do with any negotiations. I have not been involved in negotiations.

Supervisor Ballowe: I think change is sometimes difficult and sometimes good. I know that I am not here to hurt any of the fire companies. I am here to represent a town.

Councilman Pluta: I am just saying that statements made in public about fire companies are counterproductive to negotiations. I am deeply insulted that this Town Board is insinuating that there is some impropriety going on because of someone I dealt with through the fire company to purchase a truck that was convicted for embezzling.

Supervisor Ballowe: I do not think that is the case. I think a lot of good things have happened in this town in the past year and in previous years.

Councilman Boardway: What have you done behind closed doors?

Councilman Pluta stated that he has not been part of the contract negotiations with this Town Board. He feels that the firemen of this town should be more appreciated for their volunteer service.

Supervisor Ballowe responded that no one on this board, or anyone that he has talked to, stated they did not appreciate the firemen. They do a fantastic job, as do all volunteers in this town. I am the chief financial officer of this town and I have a duty to perform my job to the best of my ability. I am here to make sure that the fire companies are compensated for their needs.

Councilman Boardway received a draft of The Emergency Squad/EMS Contract. They will receive a copy in time for the Public Hearing and encouraged all citizens involved in any of the contracts to be present.

Councilwoman Maghran met with individuals interested in joining the Board of the Chamber of Commerce for year 2011. She received membership lists from Chamber President Ray Lucas. Cookies with Santa will be held December 18th from 1-3 pm at the North Boston Market. The annual Chamber Light Up Your House for the Holidays Contest will run from December 19th ? 24th. Registration forms can be dropped off at Brunner?s Pizzeria, North Boston Market, The Town Hall, Three Girls Caf  and the Boston Deli.

Councilwoman Maghran complimented on how nice the town looks with the holiday decorations. She also noted the Boston Town Band annual Christmas concert will be Sunday, December 5, at 2:30 pm at the Boston Valley Elementary School. There are multiple Sharing Trees in the Town of Boston for all children in the Town which are located at The Boston Town Hall, Churchill Childcare Center and St. John?s Evangelical Lutheran Church in Orchard Park. Any organization willing to assist or would like to donate funds please contact Cathy Maghran or Jennifer Mule' in the Town Clerk?s Office. She stated the fund not only takes care of Christmas, but helps with school projects, field trips, musical lessons, and instrument rentals.

Councilwoman Maghran stated as a member of this Town Board at no time has she shown any disrespect towards the firefighters. She has had nothing but appreciation and admiration for the all the volunteers in the Town of Boston, of which, she has been one for many years, also. The fire companies, Emergency Squad members, Girl Scout Leaders, Boy Scout Leaders, Sunday School Teachers, coaches, people who work with Meals on Wheels and the many other volunteers in this town is what keeps this town going. Never once, has there been anything but complete admiration for all of these volunteers.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:03 p.m.

five (5) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK