

Town Board Minutes December 15, 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. Bonnie Bates, Faith United Church of Christ, opened the meeting with a prayer.

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to authorize Supervisor Ballowe to sign the Environmental Assessment Forms for the North Boston Park and Boston Town Park Improvements Grants.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to accept the minutes of the December 1, 2010 regular meeting.

five (5) 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 December 9, 2010 in the amount of \$230,093.58 be paid.

five (5) Ayes Carried

Received and filed Erie County Water Authority Tariff Amendments.

Councilman James E. Pluta resigned his position as Councilman for the Town of Boston effective immediately.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to accept the resignation of Councilman Pluta.

four (4) Ayes Carried

Russ Metcalf, President Boston Fire Company read a statement of his displeasure with the current town board in regards to the Fire Protection Contracts.

At 7:40 p.m. a Public Hearing was held to hear comments for the purpose of considering entering into a contract with the Boston Emergency Squad, Inc. for the purpose of furnishing Ambulance Service in the amount of \$30,000 for the Calendar year 2011.

Councilman Boardway read the legal notice.

Donna Huson expressed her displeasure with the actions of the Town Board in regards to the Fire Contract and asked if she could hold the town accountable if there is no Ambulance protection for her after January 1, 2011.

The next speaker started so there was no answer from the Town Board.

Don O'Bryant, Vice President, Boston Emergency Squad stated that the Emergency Squad and the Town Board have reached an agreement and have a contract they can live with. He reiterated that although they work together in the field, the Emergency Squad is a separate company from the Fire Companies.

The Ambulance Service Contract Public Hearing was suspended to hold the Fire Protection Contract Public Hearing.

At 7:47 p.m. a Public Hearing was held to hear comments for the purpose of considering entering into Separate Fire Protection Contracts as follows: North Boston Fire Company will be paid \$150,940.75 for the year 2011. Patchin Fire Company will be paid 150,940.75 for the year 2011 and Boston Fire Company, Inc. will be paid 150,940.75 for the year 2011 and 2012 for the furnishing of Fire Protection.

Councilman Boardway read the legal notice.

Gary Vara asked what the reasoning was behind only offering one-year contract and is the first year the same as 2010?

Councilman Boardway noted that the process was started later than it should have and it more involved than they had originally anticipated. The current dollar amount being offered is the same as 2010.

Gary Vara inquired why three-year contracts were not being offered.

Supervisor Ballowe: It is not the money part of the contract that is the issue, we are asking the fire companies to work with the Town Board and try to get costs for the awards program and Workman's Compensation under control, which in turn will give them the money that they are requesting.

The Fire Protection Contract Public Hearing was suspended to start the Boston Historical Society Contract Public Hearing.

At 7:53 p.m. a Public Hearing was held to hear comments for the purpose of considering entering into a contract with the Boston Historical Society, Inc. for the preservation of historical places and objects, in the amount of \$3,000 for the calendar year 2011.

Councilwoman Maghran read the legal notice.

Sherri Pluta, President of the Boston Historical Society: The Town Board is considering a one-year contract with the Boston Historical Society for 2011 for \$3,000. For the last 40 years the Town Board has agreed to three-year contracts just like the Emergency Squad and Firemen to assist the Historical Society in maintaining utilities.

The dollar amount for many of those years was \$5,000 per year. That amount never increased, never decreased for many years. The intention of the contract was not just to give money to the museum it was meant to show the support of the residents toward the safekeeping of the towns historical artifacts. The Historical Society made sure that the stories and the physical remnants of the past were stored and protected for future generations.

Three years ago, the Historical Society in their effort to better document the collection that grows with new donations all the time, submitted a proposed contract to the town for the years 2008, 2009 and 2010. The proposed dollar amount for 2008 was \$6,935. The increase was to be spent on specific items that were mentioned in the proposal, which was a computer program to bring the documentation of the artifacts to industry standard. Another was ultra violet blocking covers for the windows so that the 200-year-old costumes were not damaged by the sun's rays. For the years 2009 and 2010, the Historical Society lowered the dollar amount requested to just \$6,000 per year.

The Town Supervisor has told the Historical Society that the town will no longer support them in a monetary fashion because our building is too old and not energy efficient. You want us to spend all our money on a new museum. You would give us a parcel of land behind the old trooper's barracks to lease for a dollar a year. You want us to put up a steel building for new museum. A 3,200 sq. ft. building would cost in upwards of \$50,000 not including interior work. We do not have enough money for this kind of project. What right do you have to tell me what I can spend my money on?

Any savings that we may have comes from estates and generous donations from residents and members. We are a 501-C3 not-for-profit organization that is separate from the Town of Boston.

Last year's expenses came to \$5,417.13; the supervisor received this detailed report several months ago. The Town Board wants to cut our contract to just one year at a 50 percent decrease from last year.

Give the Boston Historical Society the contract we requested or at last years \$6,000 so we can pay our bills.

Councilman Boardway: There are about 150 people in the room tonight. I was elected to represent 7,780 people. Those here tonight represent about 1.9 percent of that. So I do have an obligation to a lot of other people. Everything Sherrie Pluta said was pertinent, relevant and will be given its due consideration. But the one thing she said in her statements was that the prior Town Board never questioned it for three years. That is the Town Board's job now to question things.

Supervisor Ballowe stated that when he met with Sherrie Pluta he suggested they work together and see if we can go in a different direction that will give you ample parking, that will make your building more efficient. The town will help you out financially. He suggested that the town can help get the Historical Society into a building that not only will fit the needs but also will no longer have to do maintenance on it. The town board came to you in good faith.

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to close the Public hearing for the Boston Historical Society at 8:06 p.m.

Four (4) Ayes Carried

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

Four (4) Ayes Carried

The Fire Service Contract Public Hearing Continued:

Mary Ann Baumgartner stated her concerns that if the fire contracts are not passed the children at Boston Valley Elementary School will have to be transported to a different school in the district and how that would affect her children.

Councilman Boardway stated that the school district has not formally been involved in this process.

Doug Cox stated that he appreciated both the Town Board and the Volunteer firemen for their service to the town and that neither job is easy. He stated that he supports the Town Board's decision to renegotiate the contracts and that he feels the Town Board would be negligent if they just started giving money away without knowing where it is going. He is not seeing the transparency that the Town Board needs with the volunteer fire departments so that they can make an informed decision about how much money each department should get. He noted if this information is not being given to the Town Board how do they know the financial condition of the Fire Departments? He asked the Town Board what a 990 is and what kind of information does that provide?

Councilman Boardway stated that for a not-for-profit corporation a 990 form is the sole income tax return they have to file. It is a cost breakdown of the bulk expenditures of the companies. The three fire companies are underneath what the state mandated threshold is for audits. If they are under \$200,000 they do not have to provide an actual audit, but they have to provide a 990.

Councilman Genzel noted that the Town Board received one 990 from the Patchin Fire Company for the year 2008 which indicated an installation dinner that cost \$11,000.

Pete Lindner, former President of Patchin Fire Company, stated that he organized that dinner and sold ads to help offset the cost and Councilman Genzel bought one of those ads.

Rich Hawkins, President Patchin Fire Company, noted that that event was for the 100th anniversary of the fire company and yes it did cost a little more than previous years. If you check with the other two fire companies, you will probably see that their 100th year installation dinner also cost them a little more. From day one the contracts have been jammed down our throats. Councilman Boardway did you not say take it or leave it or you will be a fire company without a contract? The fire companies are not going to take a one-year contract. The contract clause stated that if you could not come to an agreement between the fire companies and the town the contract would immediately renew up to two years at the current rate. After six months of negotiations, we are back to where we started. Exactly the same existing contract that we should have been working under until an agreement was made.

Supervisor Ballowe: Did you ever take this contract back to your body and vote on it?

Rich Hawkins: Absolutely.

Supervisor Ballowe: Because you have sat in my position before, I am sure you can understand, we offered you the same amount.

Richard Hawkins: How many months did it take to get that?

Supervisor Ballowe: I told you that I needed to get this under control and I needed your help, which in turn will give the fire companies their raises and things they need. I believe we can work together as a community and together as former supervisor and supervisor. It had nothing to with the Fire Company that you lost money into the awards program. I also need your help to get the insurance and awards program under control. Then in turn, that cost savings, without asking the taxpayers for more money, will go directly to the fire companies.

Rich Hawkins: You know, if you have done your homework, in 2008 the awards program was 90 percent vested with the amount of money that was going into that account and was built up to almost 100 percent.

Supervisor Ballowe: We cannot settle anything unless we work together. Overfunding is not the way to go.

Rich Hawkins: It was not overfunded; it took a dive in 2008. You are telling me you can't fund the fire companies for three years, but you can give the employees a three percent raise and give your highway superintendent a twenty five percent raise.

Supervisor Ballowe: One has nothing to do with the other. Your fire budget line is exactly that. There is a Highway, ambulance and general fund line. You cannot mix them together. You know that. I am not saying that you do not need more funding. I understand your equipment needs.

Richard Hawkins: You have told me from day one that you only want to give us a one-year contract because you do not know what is going to happen next year.

Supervisor Ballowe: Absolutely. Why can't you understand the rising cost of insurance?

Richard Hawkins: Did we ask for a raise for this coming year?

Supervisor Ballowe: No.

Rich Hawkins: The fire companies are in this to stay. We asked for a three-year contract and that is all we will take.

Supervisor Ballowe: The reason for the different dollar amounts in the contract was because some fire companies have larger debt loads than others. Unfortunately, the companies that have less debt would be penalized. It is not the right thing to do, but we are trying to keep all the companies healthy. In the end, all three fire companies felt more comfortable receiving the same amount, so that is what we gave you, with a one-year contract, hoping that you would sit down with me and figure out how to get you more money to run your operations, control your debt and get the pension healthy without going to the tax payers.

Rich Hawkins: You have no idea of the pension plan costs. The pension plan has absolutely nothing to do with a \$150,000 contract. You are looking at the whole thing.

Supervisor Ballowe: You have to look at the whole thing.

Rich Hawkins: If you left the pension exactly as is, that pension would continue to upgrade. I disagree with putting money in there because the market is not stable enough.

Supervisor Ballowe: As previous supervisor, why did you overfund it then?

Richard Hawkins: I overfunded it in 2008 because it took a dive.

Supervisor Ballowe: It has been overfunded since 2002. I overfunded it because I look at a gentleman like you who has put in 25 years and deserves it.

Paul Shanks: As a resident of the town, I expect fire service, just as I expect all other services that I pay for. It is the duty of the Town Board to present a realistic budget to the fire companies. It is also the duty of the Town Board to exercise oversight on these contracts. How much time was spent in face-to-face negotiations?

Councilman Boardway: Before or after they hired their attorneys, because that changed things legally.

Supervisor Ballowe: I did not keep a total track of time, but I know I have spent a lot of time meeting with them and their attorney.

Paul Shanks: If there is no resolution by January 1st, would it be acceptable to extend the current contract on a month to month basis for a limited period of time until a resolution is met?

Supervisor Ballowe: That contract is on the table. They can extend it for as long as they want. The contract is at the exact same dollar amount for one year. So they have one year to sit down and figure out these other issues.

Councilman Boardway: You are implying that they are going to agree to something that Rich Hawkins just stood here and said they will not agree to it. This is the problem we have been having.

Paul Shanks: Maybe we need a citizens committee to give their recommendations?

Councilman Boardway: A lot of the ideas we have are contingent on a one-year contract so we can get this done this year and move forward. We need to break the cycle of having three separate contracted companies in this town with contracts that expire simultaneously.

Paul Shanks: If there is no resolution as of January 1 and there is no fire protection, will you declare a state of emergency? I heard that we cannot receive mutual aid from surrounding companies because we cannot give it.

Councilman Boardway: We are extremely concerned about what could happen if the fire companies do not ratify a contract that we offer them. Declaring a state of emergency is not necessarily one of our options.

Supervisor Ballowe: I am confident that we can sit down and get this all straightened out.

Paul Shanks: Right now we are in the season of the greatest risk of residential fires. We need fire protection.

Supervisor Ballowe: We can sit down and figure out the extended contract and figure out how to lessen our costs on the other end.

Russ Metcalf: Supervisor Ballowe you mentioned that you want to reduce insurance costs. What exactly are those costs you are trying to reduce?

Supervisor Ballowe: Workman's Compensation.

Russ Metcalf: How is the dollar rate charged to a municipality determined?

Councilman Boardway: With respect to volunteer firefighters are covered under a separate section of the workers compensation law in the state of New York. They block the fire districts to come up with the rate plans. We use Perma and they have four separate fee schedules for volunteer firefighting areas. We are at the highest. I have met with Perma to find out what we can do to lower our costs. Through that came the 20 question, questionnaire. They said the first step for them to even begin to look at our cost, is the fire companies have to comply with the questionnaire.

Russ Metcalf: Isn't it true that the basic rate for workman's comp is determined by the populous of the town. In other words, if you want to reduce the population of the town, then your workman's comp rate will go down.

Councilman Boardway: No. What Perma has told us is that they have four separate lines they can set fee rates at. Depending on how compliant we are with even their basic questionnaire, they can do something for us.

Russ Metcalf: Do we have a renewal of the policy?

Councilman Boardway: We reserved our right to non-renew. Right now it is scheduled to renew, but there would have to be an action taken by this Town Board.

Supervisor Ballowe: That means if we bid it out and found it cheaper.

Russ Metcalf: I spoke with the underwriters at Perma and the information they are giving me is a little bit different, and it appears that on this question of workman's comp for firemen is not so much whether we are covered as firemen, but whether or not they even want to issue a policy. The law also states that the workman's comp policy is contingent upon a fire contract and if the town does not have a fire contract they are in a bind as to whether they should even write a policy.

Councilman Boardway: If there is no contract there is no one to write a contract for. That is correct.

Supervisor Ballowe: The reason we are in this highest rate pool is because those 20 steps are not being followed.

Russ Metcalf: That is only one of the many things that we have said we do not have a problem with.

Councilwoman Maghran: What are the fire companies looking for? You said you would agree on the same amount of money and we gave you that. What else do you want? Why won't you sign the contract?

Russ Metcalf: For three years, yes.

Councilwoman Maghran: No, one year. Why do you need three years?

Russ Metcalf: There isn't anyone who has dealt with this town board who would even consider going through this again next year.

Councilwoman Maghran: Just so that I understand, the fire companies are happy with everything else that has been presented in this contract so far except for the three years.

Rich Hawkins: We were told that after the taxes were collected, a check would go out to the fire companies. The contract runs from January 1 through December 31. We wait until April to get the checks from the town. The current contract we asked for one payment for the simple fact that our loans through the bank, our fire halls, our trucks and everything else were set up on that payment. It started out with four installments a year. Now you have gone down to semi-annual payments and you may send out the second payment depending on whether you receive our cancelled checks and receipts.

Supervisor Ballowe: If you receive a check for \$75,000 in April, you are telling me you need \$150,000 in April to go out the door.

Rich Hawkins: You say that I have to show you cancelled checks and receipts for the first payment you gave me before you give me the second one.

Supervisor Ballowe: We have to prove where that money goes. Any resident can request to see where that money goes.

Rich Hawkins: Do you contract with Waste Management?

Supervisor Ballowe: We contract with them and we know exactly what it costs per household.

Rich Hawkins: We want one payment and a three-year contract.

Supervisor Ballowe: I sat with the Emergency Squad for 45 minutes and got their contract done. We talked and determined what they needed and what the town could provide so that they can make their 400 calls per year. I am more than willing to do the same for you. I cannot lower costs without you and I cannot give you any more money without lowering costs unless I raise taxes.

Rich Hawkins: We are not going through this every year. You would not believe the number of hours we sat in meetings to try and come up with something. That is why we said we would take no increase this year.

Councilwoman Maghran: You keep saying you are not getting your needs met. We do not know what your needs are.

Rich Hawkins: It was mentioned that you want to stagger these contracts. The reason for staggering them is if you have a fire company under contract that Fire Company can call mutual aid in. If the fire companies stick together, you cannot call mutual aid in.

Councilman Genzel: So what you are saying is that you are going to deny the residents of Boston their fire protection if you do not get a three-year contract.

Rich Hawkins: No, you are, because you cancelled the contract, not the fire companies.

Supervisor Ballowe: We are here for one issue, to get this settled. You asked for \$150,941 and I gave it to you.

Barbara Moore: I attend the meeting in August that was held downstairs. If you think we are having trust issues, it is because I was sitting adjacent to the table where the Town Board members were sitting at and every time without fail, someone from the community spoke questioning the cancellation of that clause or actually spoke against it, the board members could be observed chatting amongst themselves. It was painfully obvious that decision was made before you walked into the room. The only time the chatting stopped was when one person stood up and very loudly declared "I voted for change", that person was Supervisor Ballowe's brother-in-law.

Town Attorney Kobiolka: This discussion is not about the Town Board and trust issues it is about the contracts. Please keep your comments relevant.

Barbara Moore: While attending the meeting at the fire hall, I learned that they have asked for a three-year contract, that they have not asked for an increase in 2011 and they have asked for equal increases for 2012 and 2013. Information that is on the website states different.

Supervisor Ballowe: I need fire companies help to lower these costs and in turn it benefits the fire companies. I do not have a problem sitting down and going through this. The object is to sit down in 2011 and figure this out so we do not run into this issue again.

Councilman Boardway: We had offered different contracts, but heard through their attorney that they were insisting on equal contracts.

Marty Schwanz, Treasurer, Boston Fire Company: Early in 2010 the Boston Fire Company commissioned a 501-C3 application that was prepared by a certified public accountant. That report was completed in late July and a complete copy of that was submitted to the supervisor in early August. That is how the supervisor knows that we have a larger bank balance than perhaps the other two companies. In addressing the residents' concerns from earlier, I believe that we have been completely transparent with respect to our financial situation.

Mike Durusky, Chief, Patchin Fire Company: Why in 2010 the tax rate per thousand was \$1.32 and the paperwork you gave Rich Hawkins said \$1.28 per thousand? If you would have left it at \$1.32 we would not be discussing this, it would have covered the 3 percent increases that we are asking for.

Supervisor Ballowe: That money did not come out of what we pay the fire company. That came out of the consistent overpayment of the awards system.

Mike Durusky: The Awards system is separate.

Supervisor Ballowe: The \$1.32 is for the whole Fire Budget.

Mike Durusky: We are not talking about the service award program. That and the contracts are two different things. The Town Board is the trustee of the service award program. If the Town Board is losing money, it is not the fire companies.

Supervisor Ballowe: I never said it was the fire company.

Mike Durusky: The previous Town Board was in charge of that account, just as this town board is now.

Supervisor Ballowe: That is correct. Have you been more involved with it now than before? I have you all on emails and passwords to see what your accounts are doing so you have a better understanding of it. We are the administrators of it. I didn't lower the contract amount. I lowered the over payments that were going to the awards program. Are you telling me I should have kept the tax rate higher so that I could afford the 3 percent increase?

Mike Durusky: If you would have kept it the same, everything would have washed out the same. You lowered the tax rate so you want to cut the fire companies budgets.

Supervisor Ballowe: I did not cut your budget. I gave you the same amount.

Mike Durusky: We all do the same job in this town so we all agree we would split the money equally.

Supervisor Ballowe: And you are. The tax rate is not based on just what you get. That pays dispatch, workman's comp, your retirement plan, and your contract.

Mike Durusky: How much do you pay Hamburg Dispatch?

Supervisor Ballowe: \$54,000.

Mike Durusky: So why is it in the budget for \$35,000?

Supervisor Ballowe: The fire budget and ambulance are broke up. \$35,000 of it is dispatch for Fire, around \$20,000 is for ambulance dispatch.

Lynn Gerber, Member of the Boston Emergency Squad: I depend very much on the fire company at fire calls, motor vehicle accidents, for traffic safety and for extraction. Why cannot we have a three-year contract with the fire department, then during that three years? work out ways to reduce costs?

Supervisor Ballowe: How can you reduce costs when you are signing a three-year contract with increases? It goes up three percent at a cost over two years of \$28,000.

Jim Townsend: I do not understand why there is a problem with this contract. Earlier this evening you were asked why you had not negotiated a three-year contract. One of you said that you did not know it was going to take this much time. The Monday night meeting informed us that from Mid-August until November 9 the fire companies had not heard from you. What did you do for the taxpayers in the months of September and October to finalize this?

Town Attorney Kobiolka: We had several meetings with the Fire Companies Attorneys. At that time, the Town Board could not do anything until we received financials back from the fire companies.

Ronald Meyer: Until now it has been about business. There are 7,780 people in town and there are 140 firefighters and you are squashing us when the rest of those people do not want to volunteer. I have a wife and two kids and come New Years? if anything happens to them, I am going to sue the town and name the Town Board for negligence of duty and personally name you in a law suit.

Sam Butera, Assistant Chief Patchin Fire Company: The town is looking to conserve and save money for all of the residents. What is wrong with knowing what your bills are going to be for the next few years?

Supervisor Ballowe: There is nothing wrong with that.

Sam Butera: That is why there is nothing wrong with this Town Board agreeing to the Fire Companies, one year at 0 increase, the 2nd year at 3 percent and the third year at 3 percent. The town will know what its cost will be over the next three years. The town will have fire protection, everyone will be happy, the costs will be under control, and during that time, we can sit down and try to figure out how to refund the awards system. Maybe in that time as the stock market goes up and down that program may start righting itself on its own.

Supervisor Ballowe: And when it writes itself there is even more money for the fire companies.

Sam Butera: I do not know if the fire companies are looking for more money. They are looking for enough to survive.

Supervisor Ballowe: You have to. Your costs are going to go up just like ours will.

Sam Butera: It's more cost effective to have more than a one year contract.

Norm Queeno, volunteer fire fighter: My biggest dilemma is that we dedicate hundreds of hours a year to calls and I do that for the good of the community and I enjoy it. How do you expect us to want to go through this process every year for the next two years?

In addition to those hours, we put in hours for training, calls, meetings and fundraising because even though that \$150,000 is sufficient for our bills we try to look into the future. Boston Fire Company is looking to try and upgrade our equipment for future use.

Councilwoman Maghran: If we sign a three-year agreement, at the \$150,940.74 with renegotiation of funds if we can get more money. If your concern is the three years and ours is that we are trying to not overfund things. Each of us sitting here promised the 8,000 people in this town that we were going to do everything in our power not to raise taxes and that is what we are trying to do. We do not know if we are going to have the money to give you in two and three years from now.

Town Attorney Kobiolka: The Fire contracts have to be for a definitive amount of money.

Councilman Genzel: I have the historical expenses, 2003 increase of 4 percent, 2004, increase of 4 percent, 2005, increase of 3 percent and it goes on and on.

Bob Pollinger, President Elect, North Boston Fire Company: I think everyone here deserves the right to know whether you are a fireman or not and how we got where we are at. It is very simple. We didn't talk to each other from the word go. I can only speak for myself but I can tell you with great confidence that the Town Board has done things that has made us feel they are not trustworthy and vice versa. I don't know how we get passed that. The fact of the matter is that we have only sat down one time at the request of the firemen and we believed that we ironed some things out. Several days later we get a contract not much different from the original. As this has progressed, we have not had an open dialog. We have gone through our attorneys. We have thrown unfavorables at each other. I am going to be the President of the North Boston Fire Company. I need to have a relationship with you going forward. I don't know how we get past this. This is an unbelievable display of unhappiness on the people of the town. Starting with cancelling the clause in the contract that made it roll over. If you would have come to the fire companies and said you were not prepared to give us a three-year contract and say you would like to roll over this contract and work forward. But you hit us hard and you hit us low. This one-year contract is for you to help you get a better understanding of our funding.

Supervisor Ballowe: I will be more than happy to meet with you and whoever else on Monday so we can work through this and get it done.

Supervisor Ballowe confirmed with David Blank, Edward Kane, Russ Metcalf, Richard Hawkins, and Bob Pollinger a meeting for Monday, December 20 at 7:30 p.m. at the town hall.

Gordon Gerber: I am not a volunteer, but I live within a volunteer family. I would venture to say that if you just add up what these volunteers spend out of their own pocket, it would go way beyond the \$28,000 you are talking about. We spend a lot of money to allow them to be a volunteer. Why not a three year contract?

Supervisor Ballowe: We just invited the chiefs and presidents to sit down and discuss that.

Councilman Boardway: We had hoped to do it within the next year.

Paula Litwin: Could you possibly do a two-year contract instead of a three-year contract. I work for Hamburg Central School District and I have been on contract negotiation committees and when we do come to an impasse like this, we have gone to two-year contracts so that we have time to regroup and talk about it again in two years.

Sean Georgi: Why don't you just sign the contract tonight instead of waiting until Monday?

Supervisor Ballowe: Because contracts have to be approved by attorneys, it is not just sit down and sign. The Fire Chiefs also are bound by by-laws to bring it to their body for a vote.

Tony Zeniuk: We all have families and we all want everyone to be protected and I don't think it is right for either side to strong arm. There is a small number of us being represented here tonight. So you cannot speak for the other 7,600 people in this district. Maybe there should be a vote taken by the public to see what they want and what is in their best interest for this town.

Edward Kane, Chief Boston Fire Company: I have been a member of the fire company since I was 17. I have been proud to serve for 25 years. Just so the public knows the fire companies routinely do audits of our own approximately every 3 years. It costs a lot of money to do it.

Edward Kane read a letter that Supervisor Ballowe emailed to a resident in regards to the Fire Contracts and what each Companies financial needs are.

Town Attorney Kobiolka: The reason for the termination of the contract was so the Town Board could look at how the funding was going with the Fire Company. The current funding for all the fire protection for the Town of Boston for last year was \$749,000 and the funding for the Town of Eden, which is of comparable size, and population was \$319,000.

Ed Kane: What does that have to do with our auto renewal clause?

Town Attorney Kobiolka: The Town Board could not really negotiate with you unless the contract was terminated.

Ed Kane: Our expenses have been spiraling. Erie County is going to be going with a 400 megahertz radio system within two years that we have not asked for one penny extra to fund it. This system will cost approximately \$60,000. We have in a grant request to keep the costs down. We have been very fortunate to get federal grants. We do fundraise to bridge the gap, but for us to go out and tell our members who are already crushed from all the training we have to do, we can't ask our members to do another fundraiser and be gone away from their families another day. Please see through the smoke and mirrors and support us.

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to close the public hearing for the Boston Emergency Squad at 9:50 p.m.

four (4) Ayes Carried

Ed Cheney: If negotiations do not go well on Monday night, and the contract ends on December 31, 2010, what is your plan B?

Supervisor Ballowe: My plan is to sit down with the appropriate people and straighten it out.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to close the public hearing for the Fire protection contracts at 9:51 p.m.

four (4) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to approve the Ambulance Service Contract for the year 2011 in the amount of \$30,000.

four (4) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Supervisor Ballowe to approve the Use of Facility for Boston Meals on Wheels for December 16, 2010.

four (4) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to authorize Supervisor Ballowe to sign the authorizing and financing of the increase and improvement of facilities of the town's Water District No. 3.

four (4) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Genzel to approve the budget transfer for engineering overages for Water District No. 3 as follows:

Town of Boston ? Water District #3

Item description	Budget	Approved	Change	Modified
A.ADMINISTRATIVE				
2. Bonding	\$19,750.00	\$21,250.00		\$41,000.00
3. Net Interest	\$22,800.00	\$23,920.00		\$46,720.00
4. Fiscal Coordination	\$10,000.00	-\$8,800.00		\$1,200.00
5. Bookkeeping & Rptng	\$5,000.00	-\$5,000.00		\$0.00

\$57,550.00 \$31,370.00 \$88,920.00

D. CONTINGENCY

1. Contingency \$481,678.82 -\$31,370.00 \$450,308.82

NET CHANGE \$0.00

four (4) Ayes Carried

Received and filed monthly reports from the Town Clerk and Code Enforcement Officer.

Highway Superintendent Telaak reported snow plowing is going well and have used approximately 600 tons of salt so far. His crew has been working three shifts which will help save on overtime this year. Since taking office in 2005 his highway debt was \$822,000. By the end of 2011 that should be at zero.

Town Attorney Kobiolka noted that the Boston Hotel has been demolished.

A motion was made by Supervisor Ballowe and seconded by Councilwoman Maghran to adjourn the meeting at 10:00 p.m.

four (4) Ayes Carried

JENNIFER A. MULE', DEPUTY TOWN CLERK