

## **Town Board Minutes February 2, 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.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to appoint Eugene S. Wieckowski to the position of Councilman, term to expire December 31, 2011.

four (4) Ayes Carried

Deputy Town Clerk Mule' swore in new Councilman Eugene S. Wieckowski after which he signed the oath book.

Councilman Wieckowski took his seat on the bench with the rest of the Town Board.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to appoint Daniel Mule' as a Court Officer PT, with an annual salary of \$4,965, term to expire 12/31/2011.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to reappoint Joanne Bonsack to the Zoning Board of Appeals as an alternate member term to expire December 31, 2013.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to adopt the minutes of the January 19, 2011 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Wieckowski and seconded by Councilman Boardway, upon review by the Town Board, that fund bills on the Abstract dated January 27, 2011 in the amount of \$83,309.68 be paid.

five (5) Ayes Carried

Jim Carr asked how much the contract negotiations cost the taxpayers. The different volunteers in this town have saved the taxpayers many dollars and I think you ought to consider that.

Jim Carr Cont'd: North Boston Fire Company has three fundraisers a year that require many hours of work to supplement the town contract and help pay for the mandated equipment and building inspections that are required from different government agencies and helps us prepare for the future. I have never seen a contract cancelled in my 45 years of fire service, they were settled in a few meetings without having attorneys present. I do not think the taxpayers would be happy to know how much firematic money was spent on these contract negotiations. The Town Board has caused the fire companies to spend firematic money on attorneys and many hours away from their families. I will push to have an item in next year's budget for any expense for attorneys in North Boston's budget that is presented to the Town Board. This money will not be paid for by fundraiser monies, but the contract money. Five years ago, I died and the volunteers brought me back.

Richard Hawkins: Supervisor Ballowe, since you have been in office, have you ever given anyone on this Town Board, or in this town permission to carry a weapon on town property?

Supervisor Ballowe: Why would I give anyone permission to carry a weapon on town property? I do not get the point of your question.

Town Attorney Kobiolka: I do not think the supervisor has to give someone permission.

Richard Hawkins: Yes he does. Maybe you should read the town code. Councilwoman Maghran have you or the past administration given anyone permission to carry a weapon on town property.

Councilwoman Maghran: I have not.

Richard Hawkins: Mr. Boardway, are you carrying your concealed weapon tonight as you have in the past?

Councilman Boardway: I absolutely am.

Richard Hawkins cited Town Code Chapter 114, Section-9 Firearms and Fireworks Protection: ?No person shall fire or discharge any gun, pistol, firearm or slingshot or any rocket or other fireworks of any description or carry or transport the same on any Town property, unless upon permission of the Town Board?. This Town Board just told me no one ever gave Councilman Boardway permission to carry a weapon into this Town Board meeting. Under Section 114-20 the fine for this is six months in jail, \$250 fine or both? I?m asking Councilman Boardway to leave this Town Board meeting right now, remove that weapon that he does not have permission to carry here, or I am going to the State Police Barracks and file charges and have him removed.

Rich Hawkins Cont?d: Maybe the Ethics Committee should check into the ethics and code of a councilman carrying a weapon at this Town Board meeting. Is he so worried about the firemen and residents of this community that he has to carry his own weapon?

Councilman Boardway: Last I checked, the second Amendment of the United States Constitution allows me to do that and the State of New York has given me a license to carry my weapon.

Richard Hawkins: Not according to the Town Code that supersedes that and the State Police will tell you that when they come and get you.

Councilman Genzel: As an NRA member and a 2nd Amendment supporter, I would like to see that law challenged.

A motion was made by Councilman Genzel and was seconded by Supervisor Ballowe to allow Councilman Boardway to carry his firearm as he has been authorized to do by the State of New York.

Cynthia Williams: I am not against guns or the right to bear arms according to the constitution, but why does he need to carry it in the town hall?

Councilman Genzel: It is his second amendment right.

Cynthia Williams: But according to our town code (inaudible)

Councilman Genzel: Town codes have been challenged in the past. How do you know no one else in this room is carrying a gun?

Cynthia Williams: We do not.

Councilman Genzel: Our court officer?s carry a gun.

Supervisor Ballowe: Our court officers are already carrying guns and we pay the additional insurance riders for them to carry.

Cynthia Williams: Is Councilman Boardway a court officer and was he given permission prior to you making that motion now?

Councilman Genzel noted that there was a motion on the floor to be seconded.

Supervisor Ballowe Aye

Councilman Genzel Aye

Councilman Wieckowski Aye

Councilman Boardway Abstained

Councilwoman Maghran Opposed

Three (3) Ayes One (1) Opposed One (1) Abstained Carried

Tom Steinegle: I see the scanner in the hallway, and we all have to walk through it as if we are in a court.

Supervisor Ballowe stated that the metal detector outside the courtroom is not for Town Board meetings it is for Monday night court. We received that metal detector on a grant and it will be used to protect the judges and employees of this town. Both of the court officers are licensed to carry concealed weapons.

Tom Steinegle: So there will be no use of that machine for town meetings?

Supervisor Ballowe: I have not found a use for it yet.

Councilman Genzel: I would like to see that machine used for Town Board meetings. Yes, after the fire company contract issue I felt that there could possibly be a threat and I thank Councilman Boardway for carrying his gun.

Tom Steinegle: The reason I brought that up is because we have this machine that might alleviate both sides.

Supervisor Ballowe: We are upgrading our security everywhere in this building. We are also putting camera systems in.

Tom Steinegle: I think it would be useful to use it.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to refer the request for rezoning of BMH Community, LLC., 7074 Boston State Road to the Planning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilman Genzel to appoint Mark Adamchick, CPA to audit Water District #3 financial statements.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to appoint the following people to the ethics committee:

Margaret (Peggy) Cook      John Solomon

Rich Holstein   Erin Keding

five (5) Ayes Carried

Supervisor Ballowe: Water District #3 is now complete and at the end of 2010 the Town of Boston was able to utilize some provisions under the Federal Stimulus Act for Water District #3 Project, which resulted in the town receiving a substantial savings over the life of this project. The Town of Boston was able to issue special bonds called Buy American Bonds, which was created by the Federal Stimulus package types of projects that qualified under the Federal regulations. Congress has determined that this particular program would not continue after December 31, 2010 so we were aggressive in going after this. The US Treasury will provide payment equal to 35 percent of the interest that the town is required to pay on these bonds.

At 7:54 p.m. Councilman Boardway and Town Attorney Kobiolka were excused from the meeting as requested by the New York State Troopers.

Supervisor Ballowe noted that there was approximately a \$900,000 savings for Water District #3.

Deputy Town Clerk Mule' noted that the Town and County Tax bills are anticipated to be mailed on Tuesday, February 15. Taxes are due on March 15.

A motion was made by Councilwoman Maghran and was seconded by Councilman Wieckowski to allow Deputy Town Clerk Mule' to include the town information insert in the mailing of tax bills.

five (5) Ayes Carried

Highway Superintendent Telaak noted that a hydraulic line broke on the high lift that is used to load the sand and salt onto the trucks. Last week he asked the Town Board to review the specifications on a new tractor/backhoe for a backup machine. Highway Superintendent Telaak asked for the Town Board's permission to bid this backhoe out. There will be no additional cost to the taxpayers.

Highway Superintendent Telaak Cont'd: Two years ago we sold a bulldozer and dump truck, so we can use that money toward a down payment. We are bonded for approximately five years. We can use the money that is being saved on the interest alone on the debt we had when I started. This backhoe can be used during the summer for various projects also.

Highway Superintendent Telaak noted that the parks truck needed a new floor in the dump box so the Highway workers welded it and installed all new brakes and tires. Last year the parks and emergency squad building roof was replaced because of leaks, but it is still leaking. The parks employees have been trying to take care of the ice buildup.

Supervisor Ballowe noted that he hopes to have the work completed this year. He is waiting to hear from the bidders about pricing.

Highway Superintendent Telaak noted that the past month has been very busy with snow plowing and have gone through a ton of sand and salt and hopes that the snow starts to slow down. He noted that the highway workers are doing a good job taking care of the roads. When the temperatures drop very low the sand and salt does not work really well. There are sixteen major hills in town that we take care of. They try to get to them every hour when there is that much snowfall.

Highway Superintendent Telaak welcomed new Councilman Gene Wieckowski.

Councilman Wieckowski thanked the Town Board for giving him the opportunity to serve the residents of Boston.

Councilman Genzel as Engineering Liaison he and Town Engineer Hannon attended a four-hour training class for Storm Water Pollution Control. They also met with the NYSDEC on Heinrich Road and Fairlane Drive, in regards to some drainage work. Two new water district areas that we are looking at would be Cole Road, which is an extension to Water District #3, approximately 2,700 feet. Town Engineer Hannon has done a preliminary review of it and it looks like there is adequate water and pressure to supply approximately 27 parcels. The Town Engineer is looking for some direction from the town supervisor whether we want to pursue a map, plan, and report for this area. The second is Shero Road between Feddick and Zimmerman Roads which is in Water District 2 Ext. 2.

Councilman Genzel as Planning Liaison noted that the next meeting is February 8th and they will be discussing the amended application, a letter of request to amend zoning classification for BMH Community, LLC.

Councilman Genzel noted that he no longer receives his information in paper form but uses his I-Pad in an attempt to reduce the amount of paper generated here in the town hall and is looking at other ways to save energy consumption in the town.

Councilman Boardway returned to his seat at 8:02 p.m.

Supervisor Ballowe made the following Town Board 2011 Liaison appointments:

Councilman Genzel - Planning Board, Drainage, Engineering, Christmas Lighting, Boston Community Foundation.

Councilman Boardway - Fire Companies, Fireman's Benefit Program, Haz-mat, Insurance and Conservation Advisory Council.

Councilwoman Maghran - Parks & Recreation, Street Lighting, Traffic & Highway Safety, Chamber of Commerce, Historical Society

Councilman Wieckowski- Cable TV, Senior Citizens, Solid Waste, Nutrition, Emergency Squad.

Councilman Boardway: Since you were all present, the gentleman that had the complaint decided to go to the NY State Trooper's, who then came over to talk to me. I do respect them investigating any complaint involving a firearm. After discussion with the Trooper's, Mr. Hawkins was advised of what the second amendment means and that situation has been resolved.

Councilman Boardway thanked all volunteers for their commitment to the Town of Boston with the hours of training and putting their lives on the line. We have been approached by numerous residents since the contract issues have been resolved asking what the town got out of this. What the town was looking for with these contracts was some assistance from the Fire Companies in helping them maintain a standard expense line so we know where we are going to be financially over the next 3 years. We were able to agree to a two-payment structure throughout the year whereas before it was just one payment per year. Throughout the past year, we were advised by our insurance carriers and the State Comptroller's office that the town itself was lacking in some of the information they wanted us to have on hand for our fire companies. During the negotiations, a lot of comparisons were made between the fire companies and Waste Management that we do not ask for all their information. Unfortunately, the State Comptroller's office looks at it a little bit differently. The Fire Companies are a mandated public service; it is something the town has to supply for the residents. Garbage, we do not. What we were able to build into these new contracts is the fire companies providing us with more information so we have it on hand and can turn it over to the proper authorities. There was a

zero percent increase in the fire contracts for this year. That is the first time in 18 years that there has not been an increase to the fire service. We have also locked in a 3 percent increase for the next two years which gives us a definitive dollar amount about where we are going to be with our payments over the course of the next three years.

Councilman Boardway Cont'd: This allows us to budget properly. The main thing is that some of the information that we require from the Fire Companies, although not mandated, we have asked for to help us with these insurance requirements. PERMA is our Worker's Compensation carrier and have a large bill for these premiums.

Councilman Boardway addressed Jim Carr in regards to his question about what the contract negotiations cost the taxpayers. It did not cost the taxpayers anything. It may have cost the fire companies something, but we are not privy to that information. They chose to hire attorneys. The negotiations were between the councilman, and our Town Attorney. There were no extra payments given out for that service.

Jim Carr: I agree with that, but, you cost the fire Company, firematic money to hire an attorney because you cancelled the contracts and that is going to cost the fire companies an estimated \$10,000 to \$12,000.

Councilman Boardway noted that they have reworked the entire personnel policy for the Town of Boston and it will be brought before the Town Board for approval within the next few weeks.

Councilwoman Maghran asked Parks Superintendent Telaak if he could look into repairing the electrical wiring to the scoreboard in the parks.

Supervisor Ballowe noted that he has a quote from last year, so the Town Board will have to make the decision on that repair.

Councilwoman Maghran noted that she met with the Historical Society and discussed the possibility of a new building. Their membership drive is underway

Councilwoman Maghran reminded residents of the Community Resource Event being held on Thursday from 4 p.m. to 7 p.m. and Friday from 11a.m. to 2 p.m. open to all residents of Erie County. Refreshments provided by Bella Pizzeria and Coca Cola.

Councilwoman Maghran noted that Summer Recreation will begin on July 11, and will run through August 19, 2011.

Councilwoman Maghran noted that if anyone has any suggestions for the town concerts this summer, to call Recreation Director Clesse.

Councilwoman Maghran noted that Indoor soccer is on hold due to lack of volunteers.

The Town Board members and Town Attorney Kobiolka welcomed new Councilman Wieckowski to the Town Board.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:20 p.m.

five (5) Ayes Carried

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JENNIFER A. MULE', DEPUTY TOWN CLERK