

## Town Board Minutes January 20, 2010

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

Also Present: Highway Superintendent Telaak, Town Attorney Kobiolka and Code Enforcement Officer Ferguson.

A motion was made by Councilman Pluta and was seconded by Councilman Boardway to declare Evans National Bank the official bank of the Town of Boston.

Supervisor Ballowe Aye

Councilman Boardway Aye

Councilman Genzel Nay

Councilman Pluta Aye

Councilwoman Maghran Aye

four (4) Ayes one (1) Nay Carried

The Town Board discussed changing the hours of the Assessor, but will confirm with her before making a decision.

A motion was made by Councilwoman Maghran and seconded by Supervisor Ballowe to adopt the minutes of the January 6, 2010 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilwoman Maghran, upon review by the Town Board, that fund bills on the Abstract dated January 14, 2010 in the amount of \$280,528.90 be paid.

five (5) Ayes Carried

Received and filed notice of Liquor License Application for Brunner's Eatery, LLC, 7171 Boston State Road.

Erie County Legislator Dixon spoke briefly about the safety ratings of the bridges in Erie County. She noted that the Trevett and Hillcroft Road Bridges were among those that are in desperate need of repair and are on the top ten priority listing to be fixed.

Supervisor Ballowe noted that the salary for the Deputy Town Clerk, PT needed to be adjusted because of an oversight when changing the position from salary to hourly.

Councilman Pluta questioned if \$13.90 was the same salary as last year.

Town Clerk Shenk noted that last year the position was salary, \$13.90 times 19 hours per week will come to the same total annual salary as 2009.

A motion was made by Councilwoman Maghran and was seconded by Supervisor Ballowe to adjust the salary of the Deputy Town Clerk, PT from \$13.55 to \$13.90 per hour.

five (5) Ayes Carried

A motion was made by Councilman Pluta and was seconded by Supervisor Ballowe to accept the proposal from Toski, Schaefer and Co., P.C. for audit services for Town of Boston Water District #3 for a fee not to exceed \$2,200.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and seconded by Councilwoman Maghran to approve the Annual Audit for the Town Clerk, Tax Collector, Town Justice, Bookkeeper and Dog Control.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and seconded by Councilman Genzel to accept the Annual Report for the Town Clerk and Town Justice.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to appoint Marilyn Clesse as the Recreation Director, term to expire 12/31/2010.

Supervisor Ballowe Aye

Councilman Boardway Aye

Councilman Genzel Aye

Councilman Pluta Nay

Councilwoman Maghran Abstain

three (3) Ayes one (1) Nay one(1) Abstain Carried

Councilman Pluta: I certainly respect the three new board members and their rights to to appoint. They are in the majority. I, for one, have been in the minority my entire time as a Councilman. I am a registered Conservative, so even when the Democrats were in charge, I was still in the minority. I have to say that I am disappointed in the process. Councilwoman Maghran and I were given the opportunity to participate in the interview process along with Supervisor Ballowe. The candidates were interviewed and this appointment was presented to me just before the meeting tonight. I and Councilwoman Maghran were not given the opportunity to discuss the appointments before now. When you want to have a transparent and open government, that?s not how it?s done. We were also elected to represent the taxpayers of this town. Our input is just as vital as the rest of yours and that should have been taken into consideration.

Councilman Boardway: I believe that your input was given due consideration. When the initial list of appointments was suggested, the objections voice by yourself and some very specific concerns by Councilwoman Maghran and based on those objections and concerns we did, table this appointment

and allowed both candidates who submitted resumes to be interviewed by the Town Board. I disagree with your conclusion that you weren't consulted or your opinion wasn't counted.

Councilman Pluta: You are absolutely right, that was the process, but my concern is that we were not consulted after the interviews to discuss our opinions of them. Obviously this decision was made before tonight's work session. I know that Supervisor Ballowe called Gary Vara and told him that his reappointment would not be forthcoming.

Supervisor Ballowe: You expressed your feeling, Councilman Pluta for both candidates. I was at that interview you asked one question, Councilwoman Maghran asked very good questions and she's worked with both of them in the past. I took her recommendations along with yours, Councilmen Genzel and Boardway's. So your comments were taken into consideration. We brought both candidates in and I feel we were fair and honest.

Councilman Pluta: My point is that at no time between the interviews and today was Councilwoman Maghran or I called.

Supervisor Ballowe: I called Councilwoman Maghran today at 2:30 p.m. and 3:00 p.m.

Councilman Pluta: But at no time was I called and asked for my opinion. I shouldn't have spoken for Councilwoman Maghran.

Supervisor Ballowe: You had your input at the meeting and expressed your opinions on who you felt.

Councilman Pluta: I did ask you at the meeting if the three of us could stay and talk about the two interviews and we didn't.

Councilwoman Maghran: Because I really don't feel like I've had the opportunity to voice my opinion on this, I'd like to do it now. I have worked with Marilyn Clesse before and she did a fine job, but for the following reasons, I would like my vote to go to Gary Vara as Recreation Director. In addition to being the Boston Valley School nurse, I have been the nurse for Boston Recreation for well over 12 years and have had the opportunity of working with everybody. I'd like to endorse Gary Vara because of his experience and expertise. He has experience as an educator, a coach and mentor in the recreation area. He has made this a very successful and safe program. He has had a successful tennis program that has brought in much revenue to the town. He has also brought in Lacrosse and Golf programs. He has built a liaison with the Hamburg Golf Course and had plans to start a basketball program. He also had plans to

start a Frisbee golf course in the town park. He developed a recreation team that was full of highly motivated counselors that had additional safety training such as EMT, lifeguards and medical personnel. He fulfilled all the requirements from the health department, when they were ready to shut the Councilwoman Maghran Cont.: recreation program down. He has fulfilled all the regulations and worked very well with Hamburg School and the Town Board. Last year, for the convenience of working parents, started a free latch key program before and after summer recreation, because the Town Board cancelled the daily bus run for safety reasons as well as financial. He took the program from a budget in 2006 of \$134,600 and brought it down this past year to \$106,000. He raised concert revenues from \$2,900 his first year to \$13,475 in revenue from sponsors and art grants which doesn't include the donations received from various businesses that he used as prizes at the concert. He listened to individual bands before booking. The recreation fee revenue went from \$30,847 in 2005 to \$40,343 in 2009 while still keeping the fees the lowest in the area for parents. He has established a good balance of sports, education, safety and fun for all the campers while keeping the cost down for all the residents. He has been endorsed and recommended by Assemblyman Quinn, and current Principal Paul Pietrone of Boston Valley School. Many residents called me voiced their disappointment that Gary Vara will no longer hold this position. I therefore, don't feel because I am here to represent the Boston residents, in lieu of this and the fact that I've worked very closely with Gary Vara that I will abstain from the vote today. I can not vote for anyone in this position at this time.

Received and filed monthly reports from the Town Clerk, Assessor Dog Control Officers.

Supervisor Ballowe noted that efforts are being made in correcting the roof leaking issues on the Emergency Squad/Parks Building and Trooper's Barracks.

Supervisor Ballowe made the following Town Board 2010 Committee appointments:

AUDIT COMMITTEE Town Board Members

TRAFFIC SAFETY & ROADWAYS Chairman - Councilwoman Maghran, Sgt. Joseph Wilkinson, Chief Scott Patronik, Hwy Supt. Telaak

INSURANCE Chairman - Councilman Boardway, Town Attorney Kobiolka, Supervisor Ballowe, Town Clerk Shenk

I.T. COMMITTEE Chairman ? Councilman Boardway, Bookkeeper Selby, Webmaster Paula Litwin, Town Clerk Shenk

INVESTMENT ADVISORY Chairman ? Councilman Boardway, Town Attorney Kobiolka, Town Board, Mark Flaherty, Designated Representatives of Boston, N. Boston & Patchin Fire Companies

SOLID WASTE & REFUSE Chairman - Councilwoman Maghran, Town Attorney Kobiolka, Supervisor Ballowe, Town Clerk Shenk

INSPECTION Code Enforcement Officer Ferguson & Town Board

CABLE TV Chairman - Councilman Pluta, Councilman Genzel, Supervisor Ballowe, Town Attorney Kobiolka, Mark Flowers

DRAINAGE Chairman - Councilman Genzel, Hwy Supt. Telaak, Philip Lakso

ZONING REVIEW Town Attorney Kobiolka, Councilman Genzel, Code Enforcement Officer Ferguson, Patricia Hacker and Ralph Gibson

SAFETY Town Clerk Shenk, Hwy Supt. Telaak, Councilwoman Maghran, Sean Crotty, Mark Flowers, Raymond Worth, Frank Yandura, Supervisor Ballowe

RECREATION Chairman ? Councilwoman Maghran, Hwy Supt. Telaak, Recreation Director Clesse, Jennifer Trimm, Lori Pfluger, Jim Roistracher, Lorinda Koczur, Deanna Newberry, Beverly Hogan, Scott Howie, Connie Miner

RECORDS Chairman - Town Clerk Shenk, Supervisor Ballowe, Deputy Town Clerk Schwanz, Leo Jensen

DEFERRED COMPENSATION Chairman ? Bookkeeper Selby, Supervisor Ballowe, Deputy Town Clerk Mulé, Councilman Boardway

CAPITAL IMPROVEMENT Chairman ? Herbert Klein, Supervisor Ballowe, Connie Miner, Councilman Genzel, Dr. Norman Hertz, Town Attorney Kobiolka and Timothy Kirst

BOSTON SENIORS - GROUP #1 President - Lois Lizak, Theresa Gresco, Philomena Saeli, Pearl Emerling, Art May, Gloria Collett, Greg Hahn, Erma Kern, Florence Weiss Rosa

YOUNG AT HEART - GROUP #2 President ? Walter Slomka, Vice Pres.- Ginnette Billittere, Secretary - Betty Cunningham, Treasurer - Larry Steward, Membership - Mary Lou Woodhouse, Sunshine - Jean Ruchalski, Bocce - Val Bezilla

OFFICE OF EMERGENCY MGMT Co-Directors ? Gene Wieckowski, Sean Crotty

Supervisor Ballowe clarified that Deputy Supervisor is Councilman Boardway and does not include Councilman Genzel.

Town Clerk Shenk noted that on Tuesday, January 26th, there will be a Blood Drive from 2:30 p.m. to 6:30 p.m. and a Landlord Tenant Workshop will begin at 7 p.m.

Highway Superintendent Telaak asked for permission to bid a hydroseeder. This was part of the street sweeper grant. The Towns of Eden, Colden, Concord and Collins are also involved with this grant.

A motion was made by Supervisor Ballowe and was seconded by Councilwoman Maghran to schedule a bid opening to furnish one (1) New and Unused 2010 or Newer Trailer Mounted Hydroseeder for February 12, 2010 at 10:00 a.m.

five (5) Ayes Carried

Highway Superintendent Telaak noted that the drainage diversion work at 6837 Liebler Road, which was designed by TVGA, was completed yesterday. The contractor has asked him to look at it and approve it. He stated that he did look at the completed and it seems as though the contractor did a nice job. He stated that he's not happy with the design work and that it's a very poor design. There is no way to clean it out.

Supervisor Ballowe stated that this was referred to Code Enforcement Officer Ferguson to review the specifications before final approval instead of paying TVGA \$1,900.

Highway Superintendent Telaak noted that the Christmas decorations have been completely taken down and thanked Herb Klein and his crew for putting up and taking down the Manger Scene.

Councilman Pluta stated that Earth Day will be held on May 8th. The Conservation Advisory Council has requested that in the future the Town Board would forward any SEQR reports that are received on any pending developments in the town.

Councilman Pluta stated that he's been working on a Veteran's Park for more than a year. He stated that the Town Board is in support of it and Supervisor Ballowe has met with grant writer Connie Miner to try and secure some grants for this project.

Councilman Genzel noted that as liaison to the Christmas Lighting Committee thanked the Parks department employees for taking down all the decorations. He noted that this summer/fall he'll need volunteers to help take down and repair the lights for next year.

Councilwoman Maghran listed the names of the volunteers that worked on the manger scene as follows: James Carr, Larry Steward, Rodney Carr, Herb Klein, Fred Shear, and Val Bezilla.

Councilman Genzel noted that the January 13th Planning Board meeting has been cancelled due to lack of agenda items. The next meeting is scheduled for January 27th.

Councilman Genzel noted that he would like to meet to start streamlining some items. He noted that there is a lot of confusing with residents wanting to know the procedures for certain things.

Councilman Genzel noted that as the Engineering Liaison he has sent information to the new Engineer, Jim Hannon.

Councilman Genzel noted that as Drainage Liaison he is meeting with Mark Gaston with Erie County Soil and Water to start the Hillcroft Project and working on the bank area. This project will be going out to bid soon after that meeting.

Councilman Genzel requested Town Attorney Kobiolka to get an opinion from the NYS Attorney General concerning his land surveying business and what he ethically can and can not do within the town. He stated that he needs to make sure he is practicing at the highest level of ethics. If there are things that

he can not do, he wants to make sure he knows what they are so there is never any question by a resident.

Councilman Boardway noted that he attended the Boston Emergency Squad Installation Dinner. He noted that he will be meeting with members of the squad to hear their concerns. He also noted that he met with co-directors Gene Wieckowski and Sean Crotty for the Office of Emergency Preparedness. By statute the supervisor, under the executive laws, is the disaster coordinator. This was delegated to me, which in turn is now being delegated to these two gentlemen. Councilman Boardway noted that these two gentlemen are very qualified. They have ideas on how to proceed. This information can be accessed on the town website. These gentlemen are volunteers and we thank them for accepting these duties.

Councilman Boardway noted that Sean Crotty and Gene Wieckowski brought to his attention is that the tower behind the old trooper barracks is owned by the town and have asked that the Town Board not give away or sell in case it can be used for in town communications. It is currently not in operation.

Councilman Boardway noted that an IT committee has been created. He and Webmaster Litwin met and discussed different ways to upgrade the website and add some new information for easier accessibility. He has requested that the Town's budget be added and the Office of Emergency Preparedness has front page access.

Councilwoman Maghran noted to contact her or send in writing to the Town Clerk's office any road or safety concern issues. She also noted that she has not received a response in regards to her request for a shelter at the North Boston Park and Ride.

Councilwoman Maghran welcomed Subway to the Town of Boston.

A motion was made by Councilman Pluta and seconded by Councilman Genzel to adjourn the meeting at 8:20 p.m.

five (5) Ayes Carried

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DAVID J. SHENK, TOWN CLERK