

Town Board Minutes November 3, 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.

Budget Director Kathy Selby: In regard to the 2011 Preliminary budget, as previously stated, there is a 1½% decrease in the general fund tax rate, and ½% decrease in the highway fund rate. With the completion of Water District #3, the east hill, almost 200 additional households are being taxed a water usage charge of approximately \$500 for a total district tax increase of \$100,000, which accounts for the vast majority of the total budget's increase.

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to authorize Supervisor Ballowe to sign a Substantial Completion Certificate for Water District #3.

five (5) Ayes Carried

RESOLUTION 2010-18 ADOPTION OF THE NEW YORK DEFERRED COMPENSATION PLAN

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to schedule the Public Hearing for December 1, 2010 at 7:40 P.M. on 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

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to accept the minutes of the October 20, 2010 regular meeting and October 21, 2010 special meeting.

five (5) Ayes Carried

A Public Hearing was held at 7:40 p.m. to hear public comments regarding the 2011 Town of Boston Preliminary Budget.

Town Clerk Shenk noted that the original notice for this public hearing was printed on October 21st . The notice was rerun October 28th due to an error in the fiscal year.

This does meet all the legal requirements to hold this public hearing tonight.

Supervisor Ballowe read the legal notice.

Councilman Pluta asked Bookkeeper Selby if the Fiscal Agent was John Alessi and if the town was expecting to use his services in 2011.

Bookkeeper Selby: Yes, he could be used for any number of reasons.

Councilman Pluta stated that this was not in the 2010 budget, and asked how it ended up in this year's budget. When was it approved?

Bookkeeper Selby: We had numerous charges for John Alessi's services this year that actually should have been charged in previous years and upon the realization of those expenses it was felt it was a good idea to include money in the budget to cover it.

Supervisor Ballowe: That would include the Hillcroft Project where the town paid for John Alessi because the project never went through, but the town still had to pay him.

Councilman Pluta asked how the estimated revenues increase \$63,000.

Bookkeeper Selby stated that it was due to the agreement with the Town of Cheektowaga to share the Assessor position.

Many residents who spoke did not use the microphone. Therefore all comments may not be complete.

Barbara Moore, 7004 Liebler Road: Have the negotiations with the fire companies been completed?

Town Attorney Kobiolka: No, not exactly, but we expect the negotiations to be completed within the next two to three weeks.

Barbara Moore: I am not sure that I understand how we can have a budget with any kind of numbers if those negotiations are not completed.

Supervisor Ballowe noted that the Fire Budgets are separate from the whole town. We take into consideration the insurance that we pay, what they are requesting, what their retirement contribution is and what we pay for Haz-mat, dispatch, etc. All of that is involved.

Councilman Boardway stated that Supervisor Ballowe worked diligently with Bookkeeper Selby to put together a fiscally sound budget that takes into account our assumptions and what our revenues are going to be next year. Supervisor Ballowe put together a budget that cuts taxes, maintains services, give the town Employees a well-deserved raise.

Supervisor Ballowe stated his appreciation to all those who worked with him on this budget.

Bill Schwab, 6543 Fairlane Drive asked how the public can comment on this budget when they do not have it in front of them to review.

Town Clerk Shenk noted that the Tentative Budget went online October 8th and the Preliminary Budget was posted on October 21st. He noted that this is the first year we have posted Budgets online. Before that anyone could request a copy from the Town Clerk's Office.

Mike Durusky, 6688 Holiday Drive: The budget stated increases in all salaries, what percentage does that increase come to? Councilmen salaries went up this year.

Councilwoman Maghran noted there has been no change in the salary schedule for any of the Councilmen. She noted that it is illegal for any Councilperson to not follow the same pay schedule as designed in the budget. Councilman Genzel and Councilman Boardway stated at the last meeting that they were donating 20% of their salary to a charity of their choice.

Mike Durusky asked if there were any other salary increases such as town clerk or Highway workers.

Supervisor Ballowe noted that Town Clerk Sherk wanted to forgo his raise, and the Highway has a separate contract.

Councilman Pluta noted that Highway Superintendent Telaak is getting a three percent increase and an additional \$1,200 increase as the Parks Superintendent.

Supervisor Ballowe noted that the main town employees are getting a 3% increase, but he is not taking an increase.

Councilman Pluta stated that the two councilmen that took the 20% decrease are increasing their pay because of legalities. It works out to about a 25% increase to get back up to where the other two councilmen are.

Councilman Boardway stated that the Town Board has the power to set all Councilmen's salaries once a year. Legally, that vote is binding on all the Councilmen. We cannot set different salary rates for councilmen. To avoid that, he and Councilman Genzel have agreed to donate that 20%.

Councilman Pluta noted that he also donates to not-for-profits and if he had to take a decrease he would not be able to donate in the same manner as Councilman Boardway and Councilman Genzel.

Mike Durusky: Also in that budget you did not break anything down for the fire budget. Last year they had \$149,000 in the fire company (inaudible)

Town Attorney Kobiolka: What the Town Board took into consideration is what was paid out in the past. The Town Board has been negotiating with the fire companies and they have a good grip in terms of what they want to offer to them and the Firemen's Benefit Plan. This was based on the review by the Town Board of the Fire Company contracts and expenditures that were submitted to the Town Board.

Mike Durusky: If all three fire companies received \$150,000 plus and whatever the squad received and with the retirement package (inaudible)

Town Attorney Kobiolka: At this point we are still in negotiations and a lawyer was retained.

Mike Durusky: I am asking as a taxpayer, not from the fire company. I looked at that budget online and I see that it went from \$749,000 down to \$710,000, how can you do that?

Supervisor Ballowe: As you know the retirement plan has been costing the town a lot of money. What the town has been giving to it and what it should get are two different numbers. The town has been overpaying it compared to what the contribution should be. The town cannot afford to bring that policy up to 100 percent.

Councilman Boardway noted that the fire companies and the Emergency squad are two different issues.

Mike Durusky: It is still all taxpayer dollars.

Councilman Boardway: Yes it is. These are completely separate from one another.

Mike Durusky: If it is two separate things, when are you going to vote on the other preliminary budget for the fire companies?

Councilman Boardway: This Town Board will probably approve this budget tonight and make it an adopted budget. The negotiations with the fire companies continue. We are not at liberty to discuss it. We have discussed with the squad and know what they want.

Mike Durusky: I thought it was the same dollar amount.

Councilman Boardway: It is not. The squad is a separate budgetary item than the fire services.

Dolores Schlee, 7799 Hywood Drive: I thought we had volunteer Fire Companies in Boston, so why is it that they are getting paid?

Someone from the audience answered that the firemen do not get paid.

Dolores Schlee: But you receive retirement? Can someone tell me how we came to that point and what the rationale was?

Councilman Pluta: Back in 1991 there was a public referendum voted on by Town of Boston residents to offer the volunteers of this community some incentive to be volunteers.

Dolores Schlee: Can you tell me how much the firemen get and what the basis is for it please?

Councilman Pluta: This program is a five-year investment. You have to be in a volunteer service a minimum of five years in order to get any benefits. Once that is met, at retirement, \$20 a month per year is paid out with a maximum of \$800 a month. The fire companies receive the same benefit. You have to understand how much these volunteers are receiving compared to what it would cost to have paid fire companies in the Town of Boston. Your volunteer services have saved Town of Boston residents millions of dollars over the years.

Dolores Schlee: Asked something about Rural Metro.

Councilman Pluta noted that Rural Metro is for first aid services.

Dolores Schlee: I understand that the Patchin Squad is the one that trains.

Councilman Pluta stated that the Boston Emergency Squad is the primary EMS in the Town of Boston. Patchin Fire Company helps to supplement within the Patchin District.

Councilman Pluta: Where do we stand on the issue of co-payments on contributions towards Health Insurance?

Supervisor Ballowe: We have been discussing this and we will probably be adopting something by the end of the year. We have to figure out fair percentages.

Councilman Pluta: I think the public service employees have been given an advantage over the public sector for a number of years now and I think it is time that they start contributing. I think the town has been more than fair by carrying them for nothing.

Supervisor Ballowe: I agree. With the rising costs of it we need to have employees start contributing. Once a fair number is agreed upon, it will be taken care of.

Councilman Boardway noted that there are only two non-unionized employees taking the health insurance benefit from the town. Town Clerk Shenk is one of them and he will be forfeiting his insurance while he is away, so the cost of his insurance will help to offset the budgetary and staffing changes needed in his office. In respect to the contributions to health care will be part of the collective bargaining agreement.

Richard Hawkins, 6892 Pin Oak Drive: In order to settle a contract, it would be nice for all parties to come up with some kind of agreement because as of right now, the attorneys and we have seen nothing from the town. I agree that the employees of this town deserve a 3 percent increase, but I also feel that the Fire Companies and Emergency squad work just as hard and deserve an increase also.

Supervisor Ballowe: I agree with you. Not only the people that work in this building but those who volunteer in this town definitely adds and contributes to this town. The employee raise total would be about \$10,000. Six thousand dollars of it would actually come from the twenty percent decrease that I take, which covers all the employees in this town.

Sam Butera, 6233 Wildwood Drive: If the fire companies' budgets are not in this budget, is there two separate budgets? How can you adopt the budget if you do not know what the fire companies budgets are going to be?

Supervisor Ballowe: No, everything is in this budget. There are not two separate budgets.

Councilman Boardway: When I refer to budgets, I am talking about different departments, whether it is the Highway Department or Emergency Squad.

Sam Butera: You have a budget in place for next year, but you do not have a negotiated contract with the Fire Companies yet?

Supervisor Ballowe: There is not just a contract that you are paid to do business with the town. There is also life insurance, workman's compensation and retirement. There is a lengthy list of things that we have been bidding out, which are cost saving to the town.

Richard Hawkins: This Town Board came to the fire companies and asked if they could meet with us individually. You wanted to understand how the fire companies operated and what it cost to operate them. Each fire company submitted those budget costs to the Town Board. It was not what we were asking the town to give us. You asked what it would cost us to run the fire company for the year.

Dolores Schlee: Is there a cap on the amount of money these volunteers get per month per year at retirement? How many volunteers do we have and who pays for their training?

Councilman Pluta: That money is operational funds for the Fire Company it has nothing to do with the service award program. Over time there is an escalation in fuel and electricity costs. The volunteer firemen do not get any money out of that contract.

Dolores Schlee: Is the \$800 you referred to per month or year?

Councilman Pluta: It is \$800 a month, but that is after 40 years of service.

Dolores Schlee: And there is a mandate in terms of the number of hours that someone would put in?

Councilman Pluta: Yes. It is state mandated. Most of the firemen put in over 1,000 hours a year of volunteer time.

Dolores Schlee: Why is there litigation involved if this is volunteer?

Councilman Pluta: During negotiations, an attorney prepares the contracts for the Town of Boston. The Fire Companies hire their attorney to review.

Councilman Boardway: The budget lines under Fire Protection ? Appropriations are inclusive of the three Fire contracts. When we do our appropriations for these budgets we encompass all the costs of the Fire Districts that the town has to account for.

Councilman Boardway cont?d: The contribution for the Service Award Program is included in that number, but it is a separate line item. The town sponsors and funds that program. The individual contracts with the three Fire Companies are separate.

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to close the public hearing at 8:18 p.m.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilman Genzel to adopt the 2011 Town of Boston Budget as follows:

Appropriated

Appropriations Est. Revenues Fund Balance Raised by Taxation

General	1,663,575	1,051,800	426,000	185,775
Highway	1,230,130	433,604	80,000	716,526
Fire	749,000	0	39,000	710,000
Light	20,000	0	20,000	
Ambulance	97,000	0	17,000	80,000
Refuse/Garbage	610,000	0	13,822	596,178
Water #1	79,909	0	0	79,909
Water #2	55,400	0	0	55,400
Water #1, Ext.1	6,422	0	0	6,422
Water #2, Ext.	236,800	0	0	36,800
Water #3	304,240	0	0	304,240
Totals	\$4,852,476	\$1,485,404	\$575,822	\$2,791,250

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Supervisor Ballowe to approve the following 2011 schedule of salaries for the elected Town Officials:

Supervisor \$22,600

(4) Councilman \$ 7,770

Town Clerk \$43,515

(2) Town Justices \$14,900

Superintendent of Highways \$51,420

Supervisor Ballowe Aye Councilman Boardway Nay

Councilman Genzel Aye Councilwoman Maghran Aye

Councilman Pluta Nay

three (3) Ayes two (2) Nay Carried

Councilman Pluta noted that he voted no because the issue of Employee Health Insurance was not addressed and it is difficult to vote on this budget without knowing what the fire contracts are and more information is needed.

Councilman Pluta stated he is opposed because he does not believe that during these economic times, elected officials should not get pay raises.

Councilman Boardway stated that he is opposed because he does not wish to receive a raise.

A motion was made by Councilman Pluta and seconded by Councilman Genzel, upon review by the Town Board, that fund bills on the Abstract dated October 28, 2010 in the amount of \$116,311.07 be paid.

five (5) Ayes Carried

Received and filed NYSDEC Wetland Boundary Delineation.

Councilman Genzel noted that when Wetland Boundary Delineation is performed the town is notified with a report of the findings. This report is for a piece of property on Dunn Road.

Damien Wiktor, 7206 Tricia Lane requested the Town Board's assistance in asking Erie County to restore 2011 Budget cuts to the Boston Free Library.

Councilman Boardway asked if the hours to the Library have actually been cut or just anticipated.

Damien Wiktor noted that once the Erie County Budget is passed, the hours of availability for the Boston Free library will be down to sixteen hours.

Supervisor Ballowe asked if there were any discussion with Legislator Dixon about this.

Damien Wiktor noted that some discussion ensued but there has been no affirmative or negative action on their part.

Councilman Pluta suggested that the Town Board pass a Resolution urging the Legislature to restore these cuts.

Supervisor Ballowe noted that he will contact Legislator Dixon.

RESOLUTION 2010-19 RESTORE 2011 BUDGET CUTS TO THE BOSTON FREE LIBRARY

Frank Lisowski, 5461 Shero Road has concerns regarding recent observance of multiple trucks on Zimmerman and Shero Roads and the possibility of gas wells being installed within the Town of Boston that may adversely affect the water drainage pattern.

Town Clerk Shenk noted he has been working with WNY Upstate Transplant Services for the Blood Drives held here. Barbara Moore has also joined that effort encouraging more people to participate including the rivalry between the four Emergency Services Groups. Barbara has invited Bob Jones from WNY Upstate Transplant Services to deliver awards from the recent Blood Drive.

Bob Jones, WNY Upstate Transplant Services thanked Town Clerk Shenk and Barbara Moore for all their efforts. He stated that the Town of Boston has had an increase in the amount of people who donate. Bob presented certificates to the following: Boston Fire Company, Boston Emergency Squad, North Boston Fire Company, Patchin Fire Company, and NYS Police.

Town Clerk Shenk asked all those who received a certificate to stay after the meeting for a group picture to be taken.

Highway Superintendent Telaak wished Town Clerk Shenk luck in Afghanistan. Leaf pick up will continue until the snow begins.

Highway Superintendent Telaak noted that the Highway budget is down because a lot of work is completed in house which saves money. He noted that one of their trucks will need replacing soon. He noted that they will continue to use the box and sander for one more year.

Highway Superintendent Telaak noted that the budget only allows for \$10,000 worth of equipment. Grants have been received for various pieces of equipment. New trucks were purchased for plowing by using the equipment reserve fund. He suggested that reserve fund be used again because a new grad-all machine will be needed in the future.

Councilman Pluta wished Town Clerk Shenk luck in Afghanistan and invited the public to his going away party on Saturday starting at 4 p.m. at the Patchin Fire Hall.

Councilman Pluta noted that he has been working with Town Attorney Kobiolka on the Sex Offender Resolution for workers and contractors on Town of Boston property and hopes to present it soon.

Councilman Genzel noted as Engineering Liaison he met with Engineers for the substantial completion of Water District #3 and hopes to finish by December 31st. A walk through has determined a final to do list.

Councilman Genzel noted that the work on Omphalius Road is coming to completion and thanked Legislator Dixon for her help in funding that project.

Councilman Genzel noted that per the MS4 Storm Water Coalition Code Enforcement Officer Ferguson must be trained to inspect discharge points and detention facilities.

Councilman Genzel noted that Planning Board volunteers are always needed.

Councilman Genzel reported that the Pole Attachment Agreements are in place for the Christmas Lighting. An electrician will be working on the poles Thursday and Friday of this week and decorations will be hung as the weather permits.

Councilman Genzel noted as Drainage Liaison he met with Mr. Halloran on Colonial Circle and Herb Klein on Heinrich Road both with drainage issues.

Councilman Genzel noted that Town Engineer Hannon submitted the MS4 renewal application.

Councilman Genzel noted he attempted to attend the Boston Historical Society meeting but was informed the meetings were not open to the public. He suggested that any future funding be held back until this is discussed. He noted that the Town Board offered the Historical Society the option of a new facility to be built on town property and are waiting for a response.

Councilman Boardway noted that he would like to meet with Rural Metro and a member of the Boston Emergency Squad to discuss how certain transportation issues are handled.

Councilman Boardway noted that he spoke with the Editor of the Hamburg Sun, Dan Meyer regarding the reporting issues with the paper. Dan stated he would try to be more diligent in reporting our town events.

Councilman Boardway wished Town Clerk Sherk the best and for a safe return.

Councilman Boardway noted that he was also wanted to attend the Boston Historical Society Meeting. He stated that he opened the room for them to use and said that he was treated rudely and asked to

leave. He stated that he and Councilman Genzel went to the meeting to present to them an outline for a plan to help them get the building up and running again. We proposed building a structure behind the Town Hall. He stated that he joins Councilman Genzel in his request that the Historical Society does not receive any funding in the budget for next year until they come up with some resolution to fix up or upgrade to new building.

Councilman Pluta: The Boston Historical Society is a separate not-for-profit organization and just because you are a town councilman does not give you the right to go to any meeting. They have their rules and regulations. Boards of Director Meetings are typically closed to the memberships. Those meetings are separate. Sherrie met with Supervisor Ballowe to go over the proposal and wanted to meet with the Board of Directors to discuss that proposal. I think it was just as rude for you both to show up at their meeting. They have the right to talk among themselves.

Councilwoman Maghran objected to the statement made in the Hamburg Sun about the decrease in taxes in the Town of Boston being minor. She stated that with costs soaring out of control and exorbitant government spending, department heads need to be commended for their part in this budget. This is not an easy process and it involves a lot of work. She and Councilman Pluta promised they would not increase taxes. She stated she is very proud of the minor decrease in the presented budget.

Councilwoman Maghran noted that Friday Night Recreation begins on Friday. Registrations will be taken at the door. There will be two separate age groups.

Town Clerk Shenk thanked the Town Board and his staff. He noted that at the October 6th meeting he presented the Town Board with a proposal to run his office during his absence but due to legal reasons it could not be accepted as presented. He thanked Supervisor Ballowe and the Town Board for helping him overcome those obstacles. He invited everyone to join him and his family at the Patchin Fire Company on Saturday.

A motion was made by Councilwoman Maghran and seconded by Councilman Pluta to adjourn the meeting at 8:56 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK