

Town Board Minutes October 6, 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. James Laun, Churchill Memorial United Methodist Church, opened the meeting with a prayer.

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran upon the recommendation of Town Attorney Kobiolka to approve the revision of the Use of Facility Application to include a \$25 a day fee to cover the cost of supplies and cleaning if the use of bathroom facilities are requested.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to approve the Use of Facility Applications for Patchin Fire Company, BBQ Fest for June 22-27, 2011, no bathroom facility required and North Boston Fire Company, Grand Gala for July 7-10, 2011 contingent upon the submission of additional fees.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Pluta to allocate funds to cut trees in the Eighteen Mile Creek and authorize him and Town Engineer Hannon prepare a RFP for this project.

five (5) Ayes Carried

The following proposals were received for the interior town hall painting to include the Courtroom, upper and lower hallways, stairway, and front entry vestibule:

Darling Paint \$11,900

Thomas Edington \$12,065

Great Lakes Painting \$13,110

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to accept the proposal from Darling Paint for the interior town hall painting to include the Courtroom, upper and lower hallways, stairway, and front entry vestibule in the amount of \$11,900.

five (5) Ayes Carried

A motion was made by Councilman Boardway and seconded by Councilman Pluta to accept the minutes of the September 15, 2010 regular meeting.

five (5) Ayes Carried

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 September 30, 2010 in the amount of \$112,454.29 be paid.

five (5) Ayes Carried

Received and filed public notice regarding Erie County Agricultural District Inclusion.

Received and filed NYSDEC notice of US Energy Development Corp. application for a well spacing variance.

Town Clerk Shenk noted that these notices have been posted on the bulletin board and the web page.

At 7:40 p.m. a Public Hearing was held to hear comments regarding a Federal Community Development Grant.

Supervisor Ballowe read the legal notice.

Highway Superintendent Telaak noted that after meeting with Supervisor Ballowe and Grant Writer Miner to discuss the drainage problems in town he feels the Boston Cross Roads has the most important issues to fix and will probably be the most expensive. The grant application will be for \$100,000 and the town will match \$25,000.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to close the public hearing at 7:42 p.m.

five (5) Ayes Carried

Herb Klein, 7690 Back Creek Road asked if he will be required to clean the bathrooms in addition to paying the \$25 fee.

Supervisor Ballowe: No. The rising costs of paper products and janitorial supplies we tried to come up with a fair price for everyone to use the facilities.

Cynthia Williams, 7004 Liebler Road: It is a rumor that last year you took a 20 percent cut in your salaries, now in the new budget you are requesting that be returned to you. Are you giving yourself a raise?

Supervisor Ballowe stated that his salary will be the same as it was last year.

Rodney Carr, 7245 Boston State asked if the town was going to observe Halloween on Saturday this year.

Supervisor Ballowe noted that the town does not specify a particular date for trick or treating. So it will be held on the 31st as usual.

Supervisor Ballowe read his 2011 Tentative Budget Summary:

This has been a challenging first budget. Like every other surrounding town, we are faced with large decreases in revenues, such as sales tax, mortgage tax, and state aid. In addition, significant increases in mandated costs, such as employee pensions, have forced this board to make difficult decisions. In submitting this budget proposal, I am happy to report that the Town Board has implemented many cost savings, which helped to offset the various increasing costs, and decreasing revenues. With significant savings in areas of personnel, legal, engineering, and contractual agreements, we were able to drop the general fund rate by 1 ½%. I have kept my campaign promise, with continuing my salary reduction of 20% from my predecessor. We are also working on employees contributing toward their health insurance costs. A new time clock has been installed in the Highway Department, as well as in the town hall to increase our internal controls and efficiencies and to keep employees more accountable for their time. Additionally, the highway building is networked to the town hall, to bring us up to the 21st century. Long overdue interior building maintenance, such as painting and flooring will be updated. We are currently negotiating contracts with the three Fire Companies. Highway Superintendent Telaak submitted a 2011 budget, with a slight decrease in the tax rate. In the other areas of special districts, the refuse contract in place has caused your refuse tax to increase \$6 per year and water district charges are remaining stable. These charges are based on contracts in place with Waste Management and long-term debt charges in the water districts.

We will be completing eight areas of bank stabilization, funded through USDA, to improve our erosions issues in town.

In summary, this town board will continue to work at reducing your taxes where possible, and work diligently with our grant writer to take advantage of all funding opportunities. I would like to thank all the department heads for meeting with me during this budget process, and Budget Director Selby for her guidance on the budget process.

2011 Tentative Budget:

Appropriated

Appropriations Est. Revenues Fund Balance Raised by Taxation

General	1,600,575	988,800	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	79,909	

Water #2	55,400	0	55,400	
Water #1, Ext. 1	6,422	0	0	6,422
Water #2, Ext. 2	36,800	0	36,800	
Water #3	304,240	0	0	304,240
Totals	\$4,789,476	\$1,422,404	\$575,822	\$2,791,250

A motion was made by Councilman Boardway and seconded by Councilman Pluta to schedule a public hearing on November 3, 2010 at 7:40 P.M. to hear public comments regarding the 2011 preliminary budget.

five (5) Ayes Carried

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

Supervisor \$22,640
(4) Councilman \$ 7,770
Town Clerk \$44,820
(2) Town Justices \$14,900
Superintendent of Highways \$51,420

Supervisor Ballowe Aye Councilman Genzel Aye
Councilman Pluta Aye Councilman Boardway Nay
Councilwoman Maghran Aye

four (4) Ayes one (1) Nay Carried

A motion was made by Councilman Boardway and seconded by Councilwoman Maghran to approve the Use of Facility Application for Boston Adult Soccer Club for Sundays, beginning August 1, 2011 through October 31, 2011.

five (5) Ayes Carried

Received and filed monthly reports from the Tax Collector, Assessor, and Recreation Director.

Highway Superintendant Telaak reported they are finishing Brush pick up. Leaf pick up will begin in the next couple weeks. Wood chips, firewood, and fill are still available. We have been painting and maintaining the plows, the salt building is full. The Parks employees have been working at the South Boston Park. 100 ton of stone has been put on the playground.

Supervisor Ballowe stated that any town resident can request mulched up leaves for their gardens, compost piles, etc, they can contact Highway Superintendant Telaak for delivery.

He also noted that leaves collected in the Feddick Road area will be delivered to Highway Superintendant Telaak's property. This will save the town the cost of hauling it all the way to Boston Hills Nursery.

Highway Superintendant Telaak thanked Supervisor Ballowe for funding the leaf pick up program this year.

Town Attorney Kobiolka stated that the Planning Board and Zoning Board members need four hours of education every year. To keep the cost down for the town, he had contacted the Erie County Environment and Planning Board to conduct training at no cost to the town. On October 19th Erie County will send out two planners to give a presentation to the Planning Board and Zoning Board of Appeals members. He stated that TVGA will be conducting a similar training in mid October at a cost of \$389 per person.

Councilman Pluta reported a street light out at the corner of Boston State and Boston Colden Roads.

Councilman Pluta noted that he has asked BFIS to come out and look at the Service Award program for the Fire Departments and will be submitting a proposal that will hopefully save the town money.

Supervisor Ballowe stated that they were given all the information they requested in regards to that.

Councilman Pluta requested that Town Attorney Kobiolka work on a resolution that all contractors working for the Town of Boston certify that their employees do not have any past convictions. This is to ensure the safety of our children.

Councilman Genzel stated that Colonial Drive Bank Stabilization Erosion Control project is complete. They also did some bank stabilization work on Back Creek Road. They will begin at the end of May Drive and will begin the picking and cutting of trees behind Patchin Fire Company and Eastwood Industries. There will be funds allotted for the cutting of trees along Eighteen Mile Creek. A walkthrough is scheduled for tomorrow to determine which areas are most in need of tree removal to prevent logjams.

Councilman Genzel Cont?d: In cooperation with Legislator Dixon, we received funding to finish the construction of Omphalius Road which should be completed within a month. He is meeting with Jim Hannon Engineer to review the MS-4 Coalition that is a yearly permit to dump our storm water into the Eighteen Mile Creek and tributaries.

Councilman Genzel noted he met with an electrician for a price to fix some of the poles on Boston State Road for our Christmas decorations. Pole Agreements have been secured and NYSEG will determine a price for each light. The Parks Department will be installing the Christmas lights possibly in late October as weather permits.

Councilman Genzel clarified the issue of his salary and stated that he made a promise to reduce my salary by 20 percent and that promise was fulfilled last year. I prefer to take my 20 percent and donate it to a specific charity within town instead of it going back into the General Fund.

Councilman Boardway address Cynthia Williams in regards to her question about the 20 percent salary increase. He stated that he opposed the vote to accept the increase in his salary. We are proposing pay increases for all the employees. They deserve it. They work very hard and went without a raise last year. There are legal issues involved in the Town Board adopting different salary amounts for different Councilman. The four councilpersons could adopt a salary that is lower than what is currently published but it has not been discussed yet. I would vote for lowering the salaries of all the council people 20 percent. Should that not come to pass, my salary will be set the same as the other Councilpersons salaries. I agree with Councilman Genzel that the 20 percent should go back to the people in this town if I am forced to take that money.

Councilman Boardway stated that the Town of Hamburg Dispatch, which controls our fire service dispatch, stated they have received word from Erie County that the 400 MHz radio

system capability of being online will occur in March of 2011. It will put some additional unfunded mandates on the fire companies and EMS to upgrade their radios.

Councilman Boardway stated one of the hardest things to do is make changes that upset the status quo. As an elected official we are sworn to serve the taxpayers and the residents of the Town of Boston on all levels. He noted some examples where the municipality failed the residents by not closely monitoring fire departments. We are not going to let that happen in this town. I promised to negotiate with the fire companies individually and that the dollar amounts would probably not be the same but never ruled out they might. I am going to look at them separately and give them what they need to do their job. We have been working with the fire companies to settle upon a contract. Each company has proposed what they want for 2011. Last year each company was given \$150,941. This year the North Boston Fire Company has requested \$215,287, a 42.63% increase. Patchin Fire Company has requested \$177,571, a 17.64 percent increase and Boston Fire Company has requested \$171,933 a 13.91 percent increase. We have an obligation to keep the citizens of this town up to date with what we are doing and this amount of increase is not acceptable.

Councilman Boardway Cont'd: On an assessed home of \$150,000 this would amount to an increase of \$49.25 per household. We will continue to negotiate and anticipate having a contract together that we can present through their attorney.

Councilman Boardway commented on a news article published by a Town of Boston resident about how sometimes elected officials need to embrace criticism and that if they cannot do that should consider leaving office. Councilman Boardway stated that he can take the heat and is not going anywhere.

Councilwoman Maghran noted that Friday Night Recreation Counselor interviews are being conducted; applications for attendees will be distributed to students and will be put on the town's web page. Recreation Director Clesse is working with Holiday Valley for a ski program. If there are enough participants reinstatement of buses may be possible.

Councilwoman Maghran announced that the Town of Boston has been awarded a grant to fund two new soccer fields located at the North Boston Park. Work will begin in the spring of 2011.

Councilwoman Maghran noted that she has been in contact with the Sheriff's Department regarding fingerprinting and background checks on all the Town Employees, including recreation workers. She stated she is looking into the cost.

Supervisor Ballowe noted that he has also spoke with the NYS Troopers and they said they could run the first initial back ground check for us on any potential employee and supply us with the necessary paperwork to forward it to Homeland Security for additional checks.

Town Clerk Shenk noted that school taxes are due on Friday, October 15th, the office is open the 13th and 14th until 8 p.m. and the 15th until 9 p.m.

Town Clerk Shenk noted that the NYS Department of Agriculture and Markets has decided to push the entire process of licensing dogs to the lower municipalities. The Town Clerk's Organization is in the process of getting a sample local law to review with the Town Board and Town Attorney Kobiolka. We hope to have that available shortly and the Town Board will have to make some decisions but most of it is pre-described by the state.

Town Clerk Shenk stated on September 15 my US Army Reserve unit, the 1982nd Forward Surgical Team received 400-day orders for Operation Enduring Freedom to Afghanistan.

I am already eager to return and serve my town, but first I must answer the call to serve our country once again.

During my last deployment in 2003 I was available to my staff and the Supervisor via phone and email. Today's technology adds Skype, videophone.

Earlier tonight I presented a proposal to the Town Board, which if approved, will provide a \$10,000 savings to the town while ensuring that service levels are maintained in the Town Clerk's Office. I am hopeful that this proposal will be approved because it makes good sense for all concerned, most importantly the taxpayers.

Councilman Pluta thanked Town Clerk Shenk for his service to our country.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to adjourn the meeting at 8:24 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK