

**REGULAR BOARD MEETING
APRIL 15, 2015**

**TOWN HALL
7:30 P.M.**

Present: Supervisor Martin A. Ballowe, Councilmen Jay P. Boardway, Jeffrey A. Genzel, Lawrence A. Murtha and Gary E. Vara.

Also Present: Town Attorney Kobiolka and Highway Superintendent Telaak.

A motion was made by Councilman Genzel and was seconded by Supervisor Ballowe to approve the Service Award Points for the Boston Fire Company.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to approve the Service Award Points for the Patchin Fire Company.

five (5) Ayes Carried

A motion was made by Councilman Genzel and was seconded by Supervisor Ballowe to approve the Service Award Points for the North Boston Fire Company, removing one individual member.

five (5) Ayes Carried

A Motion was made by Councilman Boardway and seconded by Supervisor Ballowe to adopt the minutes of the March 18, 2015 regular meeting.

Supervisor Ballowe	Aye	Councilman Boardway	Aye
Councilman Genzel	Abstain	Councilman Vara	Aye
Councilman Murtha	Abstain		

three (3) Ayes (2) two Abstain Carried

A motion was made by Councilman Vara and seconded by Supervisor Ballowe, upon review by the Town Board, that fund bills on the Abstract dated April 9, 2015 in the amount of \$81,998.71 be paid.

five (5) Ayes Carried

Received and filed correspondence from Erie County regarding training for Board of Assessment Review member Deborah Catalano.

Received and filed correspondence from Erie County regarding Elder Law Day, June 17.

Received and filed correspondence from Mary Lou Zeis regarding Deer strikes on Boston State Road.

**REGULAR BOARD MEETING
APRIL 15, 2015**

**TOWN HALL
7:30 P.M.**

The following persons were heard:

Russell Goldberg inquired about his request for dumping permit and whether the problem was the unconstitutionality problem that Mr. Kobiolka referred to when he first placed the application or the problem was the fact that Justice Metzger said that the law could not be properly enforced the way it was written and there was a problem with the law or was there some other problem.

Town Attorney Kobiolka stated he did not recall Justice Metzger saying there was a problem with the law. He asked Mr. Goldberg if he received an ACD.

Russell Goldberg stated yes.

Town Attorney Kobiolka noted that an ACD is not a dismissal. That is if he stayed out of trouble for the next 60 to 90 days the charge will go away. But that does not mean something did not happen.

Russell Goldberg stated that he did not understand what happened with the Patchin Fire Company or was it one of the other fire companies that had a similar problem with you and the dumping permit.

Supervisor Ballowe stated that he believes that was the Boston Fire Company. The problem was not with the town, but with an individual resident who said the fire company had an easement going through their property so we denied the building permit until the legalities were straightened out. Once that took place, the Town Board approved their building and fill permits.

Russell Goldberg stated so there was a private easement going through the parking lot of the fire company?

Supervisor Ballowe stated yes, right through the back of the building.

Russell Goldberg stated he did not understand why Judge Metzger brought up the topic of unconstitutionality. He noted he had a chance to research US Code and found the idea of when a person gives rise to confusion and how that should be resolved when it finally comes to court. He feels the behavior of this council and the town attorney, has been to raise confusion. He has been told he can do any work that he wants on his road. He has been told that he can bring in as much fill as he wants to put on his roadway, with no permit, with no license and I asked to have that in writing. He stated everyone told him he can do it.

Supervisor Ballowe stated he never told him that. He must follow the law.

**REGULAR BOARD MEETING
APRIL 15, 2015**

**TOWN HALL
7:30 P.M.**

Russell Goldberg stated that he was told there was no need to have a permit to put fill in his driveway. He asked the highway superintendent if that was his understanding.

Supervisor Ballowe stated that answers to these questions can be researched.

Councilman Boardway stated that at the last meeting the Town Board denied his permit.

Town Clerk Mulé read the motion made at the April 1, 2015 Town Board meeting regarding Mr. Goldberg's permit.

Councilman Boardway stated that the permit as submitted has been denied by this Town Board.

Russell Goldberg asked what does the "until" mean?

Councilman Boardway stated he can solve whatever issues he needs to and he is free to put in a new application to the town.

Russell Goldberg stated that he would proceed with the request that the supervisor made that he contact the water authority and find out what their rulings were. Unfortunately, the Water Authority said they have increased their requirement for putting through a waterline. If he had done this two years ago, it would have been sufficient. They have determined they wanted to have an access road that would support their backhoes.

Town Attorney Kobiolka commented that he has a legal problem with this water line being on Town property and asked Mr. Goldberg who would maintain this water line if he sells the property?

Russell Goldberg stated it would be the Erie County Water Authority. He is speaking of the area up to the tile set that is owned by the Water Authority it is not owned by him. He stated he would get a letter from somebody.

Daniel Kurek stated he also spoke with Town Engineer Hannon today for a half hour and he stated that the bollards and livestock gate should be removed. This has been going on for eleven and a half months. He also spoke to the engineer about the guardrails. He stated they should be a state, standard, DOT galvanized guardrail. Town Engineer Hannon told him in October and again today that the town is looking at a huge liability if anyone ever went through that livestock gate and got hurt. He commented to get the fill out of there and move on, it's been almost a year.

**REGULAR BOARD MEETING
APRIL 15, 2015**

**TOWN HALL
7:30 P.M.**

Dominic Teddy, Business Agent for Operating Engineer's, Local 17, and representative of the bargaining unit members of the highway department. He commented that every negotiation has give and take. We bargain, we get something, we give something in return. This is no exception. We commenced bargaining back in August of 2014 and concluded in February, 27, 2015, nine sessions all together. The members of the bargaining unit ratified that agreement on March 18, 2015. The contract is a three-year agreement and it contains wage increases of three percent per year. It also includes a major concession of a 2 percent monthly contribution towards their health care coverage. This is the first time that current members have to contribute to health care. It equates to .66 percent, in other words, two-thirds of one percent, which equates to .17 cents an hour. Previous contracts negotiations they received three percent wage increases, with no concessions. The only concessions were for new hires. All together these five employees have 93 years of service to this community and they live here. This past winter was the most severe and harshest winter in history. You know they were out there every single day plowing and salting to keep the roads safe. You know they are hardworking and proud members of the community. They are not asking for any special awards or recognition. They are only asking to be fairly compensated for the work they do. We would greatly appreciate if you would vote to approve this contract.

Councilman Murtha inquired as to how many times the highway workers have received a three percent increase over the years.

Dominic Teddy: Seven years previous to these.

Councilman Murtha: Were they all three and four year contracts? Were there any two-year contracts?

Dominic Teddy: All were all three and four.

Keith Kaszubik thanked the Highway Superintendent and the highway workers for their diligent efforts. He believes they fully deserve a cost of living increase. He also stated that another consideration being one of the most severe winters in the Town of Boston is that equipment tends to break down more often and it's not exactly easy for these men to repair that equipment. It is through their knowledge and ability as mechanics that they save the town a bundle of money. He also would like to recommend that the Town Board approves their collective bargaining agreement.

**REGULAR BOARD MEETING
APRIL 15, 2015**

**TOWN HALL
7:30 P.M.**

Kathy Praczkajlo, Member of the Zoning Board of Appeals noted she returned from a conference in Lake George. She thanked and informed the Town Board that it was very informative and walked away knowing that they are doing things right.

Karl Simmeth publically thanked the highway employees for the great job they did over this tough winter.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to close the floor.

five (5) Ayes

Carried

Supervisor Ballowe stated that they have been working on the highway agreement since August. He stated that he thinks it is a good, fair contract. There are only five employees that would be paying into the two percent. One already pays 15 percent. There are only six highway workers total.

A motion was made by Supervisor Ballowe to approve the International Union of Operating Engineers, Local Union No. 17 tentative agreement for ratification and requested that an individual roll call vote be taken:

Supervisor Ballowe	Aye	Councilman Boardway	Aye
Councilman Genzel	Nay	Councilman Murtha	Nay
Councilman Vara	Nay		

two (2) Ayes

three (3) Nays

Denied

Councilman Boardway commented that the contract was right on the money. This is an absolute necessity in a town like ours to have strong, solid, good, dedicated highway workers that maintain these roads. We have the potential to probably be the most dangerous roads in all of Erie County with our hills, side streets and creek. These gentlemen go above and beyond to take care of this. He stated his disappointment in the failure of the Town Board to pass this contract.

Supervisor Ballowe asked that some of the councilman now enter into this negotiation with Highway and the county and see if they can come to a better agreement than I thought I had.

**REGULAR BOARD MEETING
APRIL 15, 2015**

**TOWN HALL
7:30 P.M.**

A motion was made by Councilman Genzel and was seconded by Supervisor Ballowe to approve the Application for Use of Town Facility from Boy Scout Troop 491 for the annual Flag Day Ceremony for June 14, 2015 at 3 pm.

five (5) Ayes

Carried

A motion was made by Councilman Vara and was seconded by Supervisor Ballowe to appoint Cody Mulé to the Boston Emergency Squad and will continue until such time as resignation, removal, or replacement.

four (4) Ayes

one (1) Recusal

Carried

Councilman Boardway stated he had a professional relationship with this individual and felt it not appropriate to vote on this request.

A motion was made by Councilman Vara and was seconded by Supervisor Ballowe to appoint Kacie DePasquale to the Boston Emergency Squad and will continue until such time as resignation, removal, or replacement.

five (5) Ayes

Carried

Town Clerk Mulé reported on the following:

- Blood Drive will be Tuesday, April 21, 2015 from 2:30pm to 7:00pm.
- The Thank a Vet program was a success servicing 112 veterans from the Town of Boston and surrounding towns.

Highway Superintendent Telaak reported on the following:

- Brush Pick up continues. Have all brush out by May 1st. This will be The last time around town before road paving begins.
- If residents want leaves picked up they will have to bag them. The leaf box is no longer on the truck.
- If anyone wants his or her ditches clean out. Call the Highway Department.
- Wood chips, Fill, leaves and broken black top available.
- Town Engineer Hannon estimated the cost of the Boston Cross drainage Project to be about \$263,740.
- Test bores being done in the next few weeks.
- Highway employees out cleaning up road shoulders and plow damage.
- Commented that Chestnut Lane is one of the safest dead end street in the Town of Boston.

Town Attorney Kobiolka reported on the following:

- Hearing scheduled for April 30 at 10:30 a.m.

**REGULAR BOARD MEETING
APRIL 15, 2015**

**TOWN HALL
7:30 P.M.**

A motion was made by Supervisor Ballowe and was seconded by Councilman Vara to authorize Town Attorney Kobiolka to request a 45-day postponement of the April 30, 2015 hearing so that the town can collect additional information and be better prepared for it.

five (5) Ayes

Carried

Councilman Murtha reported on the following:

- Historical Society potluck dinner will be Tuesday, April 28th. Michael Monin, speaking about WWI. Dinner at 6pm. Speaker at 6:45pm
- Looking into 3 or 4 drainage problems across town that require some Engineering and legal advice.

Councilman Genzel had no report.

Councilman Boardway had no report

Councilman Vara reported on the following:

- Met with Boy Scouts. Possible installation of a split rail fence along the walking trail.
- Waiting on price for repairs on the South Boston Court.
- Agrees the highway workers do a great job, but cannot live with only a two percent contribution to medical when most people in our town are paying astronomical amounts, including teachers.

Supervisor Ballowe reported on the following:

- Received monthly reports from the Town Clerk, Supervisor and Dog Control
- Spoke with Councilman Boardway to start concrete work under the new Shelter before the Summer Recreation program begins.
- Will be cleaning up, doing some Bollards around town.

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to adjourn the meeting at 8:09 p.m.

five (5) Ayes

Carried

JENNIFER A. MULÉ, TOWN CLERK