

Town Board Minutes January 6, 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.

Rev. Sprehe, St. Martin's Lutheran Church, opened the meeting with a prayer.

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to authorize attendance at the Association of Towns Annual Training Conference, February 14th - February 17th, and approve expense reimbursement for registration, plane fare, hotel single rate (four nights), transportation between airport & hotel and \$200 expense allowance for the following:

Councilman Boardway Town Clerk Shenk Town Attorney Kobiolka

Town Justice Metzger

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and seconded by Councilman Boardway to appoint Councilman Boardway as Delegate and Town Attorney Kobiolka as Alternate Delegate at the Association of Towns Annual Training Conference.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Genzel to adopt the minutes of the December 16, 2009 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 4, 2010 minus voucher #41 in the amount of \$2,424.59 for a total of \$304,604.52 be paid.

five (5) Ayes Carried

Received and filed correspondence from Mary Spittler thanking Dog Control Officer Waszak for helping locate her lost dog.

Tom Smith, 6267 Hillcroft Drive, expressed his interest in the continuation of the expansion of Water District #2, Ext. #3. He stated that he trusted that this new Town Board is aware that this project has been an ongoing effort of the previous administration and that this plan has been developed over a five plus year period. He stated that the Town of Boston has obtained a grant from Rural Development in the amount of \$332,000. He wants the Town Board to realize that there have been a lot of problems on West Hillcroft Drive and Deer Run Road and our residents are looking forward to a construction date and hope that Tom Smith Cont'd: the change in the administration will not cause any problems or delays in moving forward. He complimented Highway Superintendent Telaak and his crew for the plowing of West Hillcroft Drive.

Councilman Boardway: As many of you may recall, during the election me, Councilman Genzel and Supervisor Ballowe committed to the town as a group was that this was an opportunity for public community service. It had nothing to do with the salary figure we were to get from having this job and had nothing to do with other than serving the Town of Boston. As such, in writing, during the campaign, we committed to you, that our first vote tonight would in fact, be a vote to reduce our salaries by 20 percent. As a result of the budgetary process, the prior administration was bound to having the budget in place prior to the election. That budget contained the salaries for the town officials and had to be approved prior to us taking office. As such, we encountered a dilemma. We can not bind the current sitting Council members to a 20 percent pay cut. We can voluntarily elect to take a 20 percent pay cut, but because they are mid term, our vote on this issue will not affect them. At this point in time, this cut will only affect the newly appointed board members.

A motion was made by Councilman Boardway and was seconded by Councilman Genzel that the salaries of Councilman Genzel, Councilman Boardway and Supervisor Ballowe be reduced by 20 percent, that money to be returned from the budgetary general ledger accounts directly to the Town of Boston General Fund.

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 stated that he understands community service and has volunteered hundreds of hours to the Town of Boston. He stated that he moved here 25 years ago and loves this town. He stated that he feels this is an illegal action and the NYS Comptroller's office has said so and legal council to the Association of Towns stated that the salaries can not be reduced this way. He has previously discussed this with Supervisor Ballowe.

Councilman Boardway clarified that the new board members can voluntarily reduce their own salaries. They are not imposing the 20 percent reduction onto the current members. They do have the opportunity to voluntarily join us if they choose. They have expressed to us in other meetings that they choose not to. We are happy with that decision. It is their decision to make. This vote was a voluntary reduction by the incoming board members. They are not attempting to bind the other two council people. Doing that would force the town to have a mandatory referendum. That means the taxpayers would bear the cost of an election.

Councilman Boardway Cont'd: He stated he was not making a judgment on whether the town taxpayers would decide to reduce their salaries by 20 percent.

Councilman Pluta stated that he respects the new board member's decision, but pointed out that when Erie County Executive Collins took office he also pledged that he would only take \$1 salary until the board left, and he was also told he could not do that. There are ways of doing this, but this is not the right way. That is why I am voting no.

Supervisor Ballowe made the following appointments:

Kathleen Telaak Assistant to Supervisor 12/31/10

Kathleen K. Selby Bookkeeper 12/31/10

Kathleen K. Selby Budget Director 12/31/10

Keith Kaszubik Town Historian 12/31/10

Jay P. Boardway Deputy Town Supervisor 12/31/10

Jeffrey A. Genzel Deputy Town Supervisor 12/31/10

Jay P. Boardway Interim Disaster Coordinator 12/31/10

Supervisor Ballowe stated that Councilmen Boardway and Genzel will share the responsibility of Deputy Supervisor.

Town Clerk Shenk made the following appointments:

Jennifer A. Mule Deputy Town Clerk 12/31/11

Elizabeth A. Martin Deputy Town Clerk PT 12/31/11

Mary M. Schwanz Deputy Town Clerk PT 12/31/11

A motion was made by Councilman Genzel and seconded by Councilman Boardway to appoint the following:

APPOINTMENT TITLE TERM

Michael L. Kobiolka Town Attorney, PT 12/31/11

Kelly A. Vacco Deputy Town Attorney/Prosecutor, PT 12/31/10

William G. Ferguson Code Enforcement Officer, PT 12/31/10

Kasey D. Loftke Dog Control Officer/Enumerator, PT 12/31/10

Wendy S. Kummer Court Clerk 12/31/10

John Sibenik Court Officer, PT 12/31/10

Cynthia Eddington Clerk, PT 12/31/10

Elizabeth Weitzel Clerk, PT 12/31/10

Paula Litwin Clerk, PT/Webmaster 12/31/10

Suzanna Fitzner Assessment Clerk, PT 12/31/10

Thelma Faulring Secretary to Boards/Committees, PT 12/31/10

Theresa Horschel Nutrition Prog. Director, PT 12/31/10

Joyce Jensen Asst. Nutrition Director, PT 12/31/10

Leo Jensen Town Hall Laborer, PT 12/31/10

Joyce Carr Marriage Officer 12/31/10

Jacob Karb, III Liaison - Cobblehill Cemetery 12/31/10

William Sodja Town Hall Cleaner, PT 12/31/10

Motion Cont?d:

David J. Shenk Registrar of Vital Statistics 12/31/11

Jennifer A. Mule Deputy Registrar of Vital Statistics 12/31/11

Elizabeth A. Martin Sub Registrar of Vital Statistics 12/31/11

Robert Telaak Parks Superintendent 12/31/10

Hannon Engineering, PC. Town Engineer 12/31/10

Supervisor Ballowe Aye

Councilman Boardway Aye

Councilman Genzel Aye

Councilman Pluta Nay

Councilwoman Maghran Aye

four (4) Ayes one (1) Nay Carried

Councilman Genzel stated the following positions for 2010 will remain unfilled at this time:

(2) Deputy Code Enforcement Officers

Deputy Dog Control Officer

Town Planner

Councilman Genzel stated that position of Recreation Director has not been determined pending interviews between two candidates.

Councilman Pluta stated that he opposes because he does not know everyone on this list.

Councilman Boardway inquired if Councilman Pluta was objecting to a specific appointment or the appointments as a list.

Councilman Pluta stated that he has made his vote and his comment.

A motion was made by Supervisor Ballowe and seconded by Councilwoman Maghran to establish the following Salary Schedule for 2010:

Position	Salary
Assistant to the Supervisor	29,750/Yr.
Bookkeeper	34,950/Yr.
Deputy Supervisor	1,000/Yr
Clerk, PT (2)	12.75 /Hr.
Court Clerk	29,750/Yr
Assessor, PT	29,110/Yr.
Assessment Clerk, PT	13.55/Hr.
Hwy Clerk, PT	12.75/Hr.
Town Attorney, PT	27,185/Yr.
Dep. Attorney/Prosecutor, PT	13,305/Yr.
Motion Cont?d:	
Court Officer, PT	4,820/Yr.
Deputy Town Clerk	29,750/Yr.
Deputy Town Clerk, PT	13.55/Yr.
Secretary to Boards, PT	13.15/Hr.
Recreation Director, PT	14,780/Yr.

Code Enforcement Officer, PT 18,000/Yr.

Dog Control Officer/Enumerator, PT 9,115/Yr.+\$1 per dog

Nutrition Program Director, PT 9.25/Hr.

Asst. Nutrition Program Director, PT 9.25/Hr.

Laborer, PT - Town Hall 12.30/Hr.

Cobblehill Cemetery Liaison 300.00/Yr.

Records Management Officer No Salary

Registrar of Vital Statistics 1/Yr.

Dep. Registrar of Vital Statistics 1/Yr.

Sub-Registrar of Vital Statistics 1/Yr.

Marriage Officer No Salary

Town Historian 2,400/Yr.

Town Planner 225/meeting

Cleaner, PT Town Hall 3,300/Yr.

Budget Director 2,500/Yr.

Parks Superintendent 5,300/Yr.

Parks Seasonal Employees \$11/\$10/\$9

Highway Department

Per Collective Bargaining Agreement.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Boardway to approve the following:

Set Payment of Salaries:

Bi-weekly to the Town Clerk, Deputy Town Clerks, Supervisor, Assistant to Supervisor, Highway Superintendent, Deputy Highway Superintendent, Bookkeeper, Court Clerk, Clerk PT, Assessor, Assessment Clerk, Secretary to Boards/Committees and M.E.O.'s, truck Drivers, and Laborers, all others are paid on a monthly basis.

Schedule Dates and Times for Regular Monthly Meetings and Agenda Review:

Town Board Meeting: First and third Wednesday of the month at 7:30 p.m. except July and August when one meeting will be scheduled.

Motion Cont?d:

Agenda Review: Tuesday before the first Wednesday of the month at 6:00 p.m., if this is a holiday the Agenda Review will be held the same day of the Town Board Meeting at 6:00 p.m. and the third Wednesday at 6:00 p.m.

Designate Official Newspaper:

The Springville Journal and the Hamburg Sun.

Appointment to NEST Solid Waste Management Board:

Councilman Pluta

Alt. Dr. Norman Hertz

Authorization of Surplus Monies:

Authorize the Supervisor and the Tax Collector to invest surplus monies.

Supervisor Ballowe noted that the Tax Collector does not invest everyday town funds. He only invests tax money.

Investment policy:

Investment policy previously adopted by the Town Board where idle town monies may be invested, subject to any further regulation from the State Comptroller pursuant to Section 39 of the General Municipal Law as follows:

1. Obligations of Federal Government - Treasury Notes, Treasury Bills, etc.
2. Obligations of Federal Agencies Guaranteed by the Government.
3. Obligations of the State of New York
4. Certificates of Deposit in Commercial Banks, which are FDIC insured.
5. Regular Savings Accounts, Money Market Accounts in Commercial Banks if proper securities are provided for all monies invested in excess of the amount secured by FDIC.
6. Tax Anticipation Note and Revenue Anticipation Notes of another municipality, district, corporation or school district, any other investments not listed will require prior approval by the Town Board and be in conformance of all state statutes.

Motion Cont?d:

The Town Supervisor will keep a record of all such investments and provide a report to all Town Board Members monthly.

Check Writer and Signature Stamp for the Supervisor:

Authorize the use of.

Rate Per Mile:

35 cents per mile.

Schedule the Annual Audit Meeting:

January 20, 2010 6 p.m.

Lending Funds:

Authorize the Supervisor to lend funds from one account to another.

Form and Sufficiency of the Bonds.

To approve.

Refuse Collectors Annual Licenses:

Direct Town Clerk to send letters to refuse collectors that annual licenses are due.

Workdays & Retirement Reporting (Part Time):

Assign the following to be reported by New York State Retirement purposes for elected and appointed Town Personnel with six (6) hours being designated as a workday:

Town Justices Councilman

Supervisor Deputy Supervisor

Code Enforcement Officer Town Attorney

Dep. Town Attorney/Prosecutor Summer Recreation Supervisor

Recreation Director Assessment Clerk

Town Hall Cleaner Assessor

Dep. Town Clerk (pt) Court Officer

Dog Control Officer

Motion Cont?d:

Work Days & Retirement Reporting (Full Time):

Assign the following work days to be reported by New York State Retirement purposes for elected and appointed Town Personnel as full time based on a seven (7) hour workday for New York State Retirement purposes:

Town Clerk Deputy Town Clerk

Superintendent of Highways Deputy Highway Superintendent

Bookkeeper Assistant to Town Supervisor

Court Clerk

Public Improvement Specifications:

Approve.

Petty Cash Funds:

Town Clerk \$300 Town Justice \$200

five (5) Ayes Carried

A motion was made by Councilman Pluta and was seconded by Councilwoman Maghran to table designating an official bank and direct Supervisor Ballowe to solicit RFP's.

five (5) Ayes Carried

RESOLUTION 2010-01 PROCUREMENT POLICY

A motion was made by Councilwoman Maghran and seconded by Councilman Boardway to set the following 2010 Holidays for the Town of Boston:

New Year's Day	Jan 1	Election Day	Nov 2
Martin Luther King	Jan 18	Veteran's Day	Nov 11
President's Day	Feb 15	Thanksgiving Day	Nov 25
Good Friday	April 2	Day after Thanksgiving	Nov 26
Memorial Day	May 31	Christmas Eve	Dec 23 (½ day)
Independence Day	July 5	Christmas Day	Dec 24
Labor Day	Sept 6	New Year's Eve	Dec 30 (½ day)
Columbus Day	Oct 11	New Years Day	Dec 31

This holiday schedule does not apply to Highway employees. Refer to Collective Bargaining Agreement.

five (5) Ayes Carried

RESOLUTION 20010-02 ADOPT SCHEDULE OF FEES

A motion was made by Councilwoman Maghran and was seconded by Councilman Boardway to refer the request for appointment from Robert S. Chelus to the Planning Board for review and recommendation.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and was seconded by Councilman Genzel to accept the resignation as Temporary cook for the senior nutrition program from Mary Thomas.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Councilman Boardway, on the recommendation of Recreation Director Vara, to appoint the following as Friday Night Recreation staff starting terms from January 1, 2010 to April 17, 2010.

Jennifer Boswell	Director	\$10.00
Jillian Fitzner	Counselor	\$ 8.00
Cody Mule	Counselor	\$ 8.00
Michelle Noack	Counselor	\$ 8.00
Dan Selby	Counselor	\$ 8.00
Ali Kotz Sub		\$ 8.00

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Councilwoman Maghran to approve the Use of Facility Application from the Boston Democratic Club for April 3, 2010.

five (5) Ayes Carried

Received and filed monthly reports from the Conservation Advisory Council and Code Enforcement Officers and annual reports from Code Enforcement Officer Ferguson and the Conservation Advisory Council.

Supervisor Ballowe made the following Town Board 2010 Liaison appointments:

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

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

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

Councilman Pluta - Cable TV, Senior Citizens, Solid Waste, Nutrition.

Town Clerk Shenk noted that Tuesday January 26th there will be a blood drive from 2:30 p.m. to 6:30 p.m. and beginning at 7:00 p.m. a Landlord Tenant Workshop will be hosted by Town Clerk Shenk and taught by H.O.M.E., Housing Opportunities Made Equal. He will be sending out notices to various landlords and tenants.

Town Clerk Shenk congratulated and welcomed the new board members. He noted that with change usually comes the opportunity for new ideas. He looks forward to working with everyone. Town Clerk Shenk thanked the outgoing appointees for their service. He stated that many of them have worked here for a long time and he's developed a close working relationship with them. He also congratulated and informed all the new appointees to make sure they sign the oath book and see Bookkeeper Selby for payroll paperwork. He stated he looks forward to developing a close working relationship with them.

Highway Superintendent Telaak noted that Christmas trees will be picked up for the next few weeks and they can also be dropped off at the Highway Garage. He also reminded about safe driving during the

winter season. He noted there has been a lot of overtime with all the snow and his crew is doing a fine job keeping the roads clean.

Highway Superintendent Telaak noted a smaller plow truck is being used to plow the sub divisions; there will be less clean up in the spring and less damage to the roads.

Highway Superintendent Telaak thanked the Town Board for the appointment of Parks Superintendent. He stated that this will save the taxpayers a lot of money due to the fact that the Highway and Parks Departments work closely together. They usually help with the repair of their equipment, haul their materials and plow all the parking lots.

Town Attorney Kobiolka thanked the Town Board for his appointment and noted that he has met with former Town Attorney Downey and reviewed various Article 7's. He noted that they will meet again and thanked him for his courtesy and professionalism and looks forward to working with everyone.

Councilman Pluta noted that he looks forward to working with the new Town Board members and new appointees. He thanked all the outgoing employees for their years of service. He also noted that someone once told him that a good idea is a good idea no matter who makes it. He stated that he looks for the betterment of the Town of Boston.

Councilman Pluta questioned Supervisor Ballowe who he appointed as Deputy Town Supervisor.

Supervisor Ballowe responded Councilman Boardway.

Councilman Genzel thanked the Town of Boston and his wife for their support during the election. He noted that as the Engineering Liaison any questions will go through him and he will get the answers from the new Engineer James Hannon, Hannon Engineering, P.C. He noted that by doing this the town will be more hands on and hope to reduce costs. He noted that five Engineering firms were interviewed for this position, including TVGA. As Planning Board liaison he hopes to begin development and bring new families to the Town of Boston. He stated that he has done a lot of work in the past on drainage issues and as a land surveyor he has worked with civil engineers quite a bit and feels quite a lot of these problems can be solved with maintenance and money from the state and county. County Executive Collins has promised to help this board and help this town as much as possible. He noted that as the Christmas Liaison it is time to start taking down the Christmas decorations. He also thanked the outgoing employees. He stated that all of them did an excellent job and noted that it is not political or personal. We may need to add a second person to Code Enforcement if development increases.

Councilman Boardway thanked the returning Town Board members; the Town Clerk's Office, Highway Superintendent Telaak and the people that have helped him to acclimate to this new position. Most of the changes that took place are the positions not being filled. He assured everyone that this does not translate into a deduction or lack of services. He noted that more will be done with less. The new appointees have assured them they can do more with less and can effectively carry out the jobs they have been asked to do. There will be an increase in services and hopefully a decrease in the cost to the town to provide a better set of services. Supervisor Ballowe has asked me to be the liaison to the Fire Companies, EMS, Hazmat, Firemen's Benefit Program. This does not come without some form of experience. He noted that so that the town is aware, he has spent ten years working as a paid paramedic and was a medic in the army reserve. He noted that he has previously worked as a disaster coordinator on the disaster action team for the American Red Cross in the City of Buffalo and was a member of the Armor Fire Company. This afternoon he took a guided tour of the Hamburg Dispatch center which controls our three fire companies and EMS. They are also the central dispatch for any mass casualty event that affects our town and surrounding towns.

Councilman Boardway noted that in 2009 the Boston Emergency Squad had 349 calls, Boston Fire Company, 96 calls, North Boston Fire Company, 126 calls, and Patchin Fire Company, 131 calls, for a total of 702 calls.

Councilwoman Maghran thanked all outgoing employees and welcomed all new. She noted that the change of power went smoothly and she is proud to be an American citizen. Councilwoman Maghran thanked the community and the people that helped with the Boston Valley Emergency Relief Christmas fund. She reminded the community to call the Town Clerk's office with any street lights that are not functioning properly. She stated she would like to set up a new set of street concerns now that we have a new county legislator. If there are any new street or safety concerns please put them in writing and send them to the town hall.

A motion was made by Councilman Pluta and seconded by Councilman Genzel to adjourn the meeting at 8:17 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK