

Town Board Minutes May 2, 2012

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

Also Present: Highway Superintendent Telaak, Town Attorney Kobiolka.

A motion was made by Councilman Boardway and seconded by Supervisor Ballowe to approve the minutes of the April 18, 2012 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Murtha and seconded by Supervisor Ballowe, upon review by the Town Board, that fund bills on the Abstract dated April 26, 2012 in the amount of \$89,844.08 be paid.

five (5) Ayes Carried

Keith Kaszubik, Town Historian, on behalf of the Historical Society thanked Highway Superintendent Telaak for installing the Museum Parking Only sign. He also thanked Supervisor Ballowe for working out a very generous town contract with the Historical Society. The contract provided necessary funds for dehumidifiers. He also thanked Councilman Murtha and his family for their help with the cleanup. The grand re-opening will be on Sunday, May 13th. The Historical Society has received a grant in the amount of \$1,064. It will be used for the purchase of a marker for the West Boston Cemetery, on Keller and Feddick Roads.

RESOLUTION 2012-07 BOND AND NOTE FINANCINGS POST-INSURANCE COMPLIANCE PROCEDURES

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway to appoint Amanda Jensen to the Parks Department as a PT Laborer at the rate of \$9 per hour.

five (5) Ayes Carried

A motion was made by Councilman Vara and seconded by Councilman Boardway to approve the Use of Facility Application for Churchill Child Center for June 7, 2012.

five (5) Ayes Carried

A motion was made by Councilman Vara and seconded by Councilman Boardway to approve the Use of Facility Application for Faith United Church of Christ for May 27, 2012.

five (5) Ayes Carried

A motion was made by Councilman Vara and seconded by Councilman Genzel to approve the Use of Facility Application for Boston Youth Softball season use starting May 1, 2012 through August 1, 2012.

five (5) Ayes Carried

A motion was made by Councilman Vara and seconded by Councilman Genzel to approve the Use of Facility Application for Boston Youth Softball picnic on August 3.

five (5) Ayes Carried

A motion was made by Councilman Vara and was seconded by Councilman Genzel to approve the annual refuse licenses for Modern Disposal Services, Inc., and Waste Management of NY, LLC.

five (5) Ayes Carried

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe on the recommendation of Recreation Director Clesse, to appoint the following to the Summer Recreation Program, terms to expire 8/24/12:

Name	Position	Hourly Rate
Melissa Abbotoy	Site Supervisor	\$10.50
Samuel ?Max? Accordino	Counselor	\$ 8.00
Andrew Laskowski	Counselor	\$ 8.00
Tyler Tagliaferro	Counselor	\$ 8.00
Jenna Bloom	Substitute Counselor	\$ 8.00
Sabree Gamel	Substitute Counselor	\$ 8.00
Bridget Greene	Substitute Counselor	\$ 8.00
Morgan Monin	Substitute Counselor	\$ 8.00
Kelly Telaak	Substitute Counselor	\$ 8.00
Carl Zarcone	Substitute Counselor	\$ 8.00
Courney Miller	Substitute Counselor	\$ 8.00

five (5) Ayes Carried

The salary adjustment for the month of May 2012 for Deputy Town Clerk Jennifer Mule' increased bi-weekly \$1,673.65 from regular bi-weekly \$1,214.23 for a difference of \$459.42 bi-weekly adjustment. May 11th and 25th, # of pay periods is two. Total pay increase for May is \$918.84. Deputy Town Clerk Elizabeth Martin went from 19 hrs. per week to full time increased bi-weekly \$1,214.23 vs. 38 hrs. @ \$14.73 = \$559.74. Bi-weekly adjustment is \$654.49. May 11th and 25th, # of pay periods is two, for a total of \$2,428.46. Previous part time wages: 19 hrs./wk. @ \$14.73, four weeks = 76 hrs. @ \$14.73 = \$1,119.48. Total pay increase for April is \$1,308.98.

A motion was made by Councilman Genzel and was seconded by Councilman Vara to approve the total pay increase for the month of May for Jennifer A. Mulé to \$918.84 and Elizabeth A. Martin to \$1,308.98.

five (5) Ayes Carried

Councilman Boardway noted that the Emergency Services volunteers in town are enrolled and authorized to receive service award program benefits. This turns into a payment after a certain fixed period of active service in the Fire Companies in response to their service to the town. Each year the Town Board has to add up the points that the companies get. These are documents which are sent to the Town Board first by Penflex, the town's administrator of the program, they are then sent to the different companies where they verify the points their individual members have received. Those points are posted in the halls so the members can review their points. After 30 days they are sent back to the Town Board for approval.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to approve the Emergency Services Award program points for 2011 for Boston Volunteer Fire Company, North Boston Volunteer Fire Company, and the Boston Emergency Squad.

Councilman Vara asked why Patchin Fire Company was not included.

Councilman Boardway noted that the Patchin Fire Company has submitted their points for 2011 and based on the audit of the 2010 service award points program, certain deficiencies were pointed out by our auditor. Attempts were made by the auditor to get clarification of those in an attempt to finalize the actual audit for the Patchin Fire Company which was never provided to the Town Board. So it is my recommendation based on speaking with our auditors, that we re-audit the Patchin Fire Company for their service award points for 2011. Based on the auditor's findings, the North Boston Fire Company complied perfectly with what was requested and the documentation they submitted for 2011 is immaculate. Russ Metcalf of the Boston Fire Company has certified all the documents and numbers submitted. They are consistent with all our rules and guidelines for the Service Award Program, and I am comfortable recommending to the Town Board that they approve Boston's points. The review of the Boston Emergency Squad's paperwork was also immaculate.

Bill Schwab noted that the amendment was never posted.

Councilman Boardway noted there was not an amendment to the audit. He stated that he was not comfortable awarding the service award points for 2011. By the time we were able to get the audit completed for 2010 we had already been under a legal obligation to approve the 2010 points. We actually approved those prior to the discrepancy and we are not going to let that happen again. The five board members here are trustees to a 2.5 million dollar account. This Town Board cannot be in a position where we punish the people that do something right just because someone else is not.

Motion Cont?d:

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

two (2) Ayes three (3) Nays motion defeated

Councilman Genzel noted that it is disheartening to have to vote on his father?s points who had just received a 45-year pin because the correct information could not be given to the auditor. He noted that this Town Board has been told many times that the fire departments are a band of brothers. He suggested that the other Fire Departments could possibly help Patchin Fire Company get their point systems finished so that all of them can be approved.

A motion was made by Councilman Genzel and was seconded by Councilman Boardway to schedule a public hearing on Proposed Local Law Number 3 of the year 2012, entitled a Local Law to Rezone Approximately 2 acres +/- of land behind 5659 Herman Hill Road (SBL No. 211.14-1-1.1) from C-1 (Local Retail Business District) to C-2 (General Commercial District) for June 6, 2012 at 7:40 p.m.

five (5) Ayes Carried

A motion was made by Supervisor Ballowe and was seconded by Councilman Boardway upon the recommendation of Town Attorney Kobiolka to table the Proposed Brookfield Residential

Project until the May 16, 2012 regular Town Board meeting to allow further review with Town Engineer Hannon.

five (5) Ayes Carried

Councilman Boardway noted that the Town Board has been in negotiations with the highway department and have put together a tentative contract and the employees have ratified that. One of the primary goals, after seeing this highway contract, was changing the way the health insurance was paid to the highway employees. The highway employees were paying the union health insurance. It was 100 percent paid by the Town of Boston. They paid \$5.86 for every hour they worked toward their health insurance. The Town of Boston was paying the union more money for health insurance every month the highway employee worked overtime. During negotiations were able to agree upon switching over to the Town's health insurance. In the first year alone, this will save the town over \$18,000. In exchange we have taken away certain benefits for new employees. In addition, the highway employees will be receiving raises over the next three years. The contract has been lowered to a three-year term as opposed to a four-year term. A few of the Town Board members did not have the opportunity to review the actual cost saving numbers associated with this change in insurance.

A motion was made by Councilman Boardway and was seconded by Supervisor Ballowe to table the Highway Department ? Collective Bargaining Agreement for further review.

five (5) Ayes Carried

Received and filed monthly report from the Town Clerk.

Supervisor Ballowe noted that he has been working on the Highway Contract since August, 2011. He stated that the negotiations were able to take place without outside council which saved the town all fees associated with it.

Supervisor Ballowe noted that they have been working on a multitude of projects to benefit the town.

Deputy Town Clerk Mulé noted that Erie County is holding the Hazardous Household Waste Drop off on Saturday, May 12, 2012 in the town of Amherst from 9 am to 2 p.m. More information can be found on the town's website.

Highway Superintendent Telaak noted that he will be attending the Highway Installation of officer Dinner on May 16, so he will not attend the next Town Board meeting. Brush pick up started again on May 1st . Fill and wood chips are available to all residents. The Parks and Highway employees have installed 80 ton of stone in the playgrounds.

Councilman Murtha noted that the Historical Society is having an open house on Sunday, May 13 from 2 p.m. to 4 p.m. and a membership meeting on Tuesday, May 15 at the Boston Town Hall Community Room starting at 6 p.m.

Councilman Murtha: I would like to comment on Patchin Fire Hall and read the report. As of the date this report was written, we still have not received the additional information we requested on December 30, 2011 to verify the points credited for 2010 for the volunteers included in the sample. Six out of the eight people that are in question still have their 50 points or more. The two people that did not qualify were Jeff Kreuder and Carl Surdyke. I do not know why this Town Board is picking on Patchin Fire Company. I guess I need it to be explained better. The audit frequently mentions that all three companies have to do the same things.

Councilman Boardway noted that he was not comfortable with 75 percent compliance with something he is responsible for.

Councilman Genzel as Engineering Liaison has been working with Town Engineer Hannon and services are being installed for the Cole Road, Water District No. 3, Ext. No. 2. Also the design process for the Boston Cross Road Drainage relief is being worked on and hopes construction to begin this fall.

Councilman Genzel as Planning Board Liaison reported that at the Planning Board work session the Comprehensive Plan was discussed. The next meeting is May 8th.

Councilman Genzel as Boston Community Foundation Liaison noted that the donations for the 4th of July celebration are at \$3,100 of the \$5,000 they are hoping to collect. The Boston Town Band is scheduled to play between 7 p.m. and 9 p.m. under the Lion's Shelter.

Councilman Genzel noted that he is Fair Housing Affirmative Action Officer, and there are discrimination pamphlets available in the Town Clerk's office.

Councilman Genzel noted that the Softball League, ages 7 ? 10 is looking for participants.

Councilman Genzel noted that the Historical Society is looking for members. Applications for membership are available on the Town of Boston website.

Councilman Boardway noted that new signs have been redesigned for the Summer Day Camp and Summer Concert Series. He noted that the Bands are all in place and sponsorship monies have been received. This program is completely self-sustaining because of the efforts of Recreation Director Clesse and this Town Board. He thanked Councilman Genzel and his wife, Mary for their exclusive sponsorship of one of the concerts.

Councilman Vara reported that the Kentucky Derby with the Senior Group went very well. He thanked Barbara Moore and Lisa Rood for their participation in the event.

Councilman Vara noted that the tennis and basketball courts will be resurfaced soon. The Town Board is discussing the installation of a volleyball court pending grant approval.

Councilman Vara commented that he did not understand the issue with Patchin Fire Company. He noted that he has the same addendum and is confused. He knows the firemen like to stick together and understands that Boston and North Boston Fire Companies did a great job, but he does not like singling out one Company.

Supervisor Ballowe noted that he; Councilman Genzel and Councilman Boardway have donated 20-30 fishing poles, tackle boxes and other items for the Conservation Advisory Council Fishing Derby being held on Saturday, May 12th from 10 a.m. to 12 p.m.

A motion was made by Supervisor Ballowe and seconded by Councilman Vara to adjourn the meeting at 8:15 p.m.

five (5) Ayes Carried

JENNIFER A. MULÉ, DEPUTY TOWN CLERK