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Boston town clerk cites 'retaliation' by Town Board in resignation letter

- By Barbara O'Brien Jun 5, 2017



Boston's town clerk handed in a letter of resignation and keys to the office Monday. (Derek Gee/Buffalo News)

The Boston town clerk embroiled in controversy for more than a year has resigned, citing "retaliation" by the town supervisor, who is her husband's brother, and other Town Board members.

Jennifer A. Mule handed in a letter of resignation and keys to the office Monday, Councilman Jay Boardway said. He said she had not been seen in the clerk's office in more than three weeks after the Town Board found she and Gary T. Ballowe did not obtain building permits for renovations to the home they owned and fined the couple \$35,000 May 9.

Ballowe is the brother of Town Supervisor Martin Ballowe. He and Mule were married over the weekend.

Mule, in a letter to the secretary of state, said she was forced to resign "due to the retaliation and constructive discharge tactics" of the supervisor and other Town Board members.

The resignation is the latest drama in the ongoing feud between Mule and other town officials.

Mule filed a complaint with the state Division of Human Rights, which determined last year there was probable cause that she had been discriminated against by the town. The town reached a confidential settlement with her in November.

Mule said in the letter dated Monday that within two days of that agreement, she received notice the Town Board would hold a hearing on the building permit issue, and she believes that was retaliation against her.

Boardway denied that any retaliation had taken place.

"Absolutely not, that matter was resolved," he said.

Mule and Gary T. Ballowe bought the property at 7305 Omphalius Road in 2012, and they said they asked Code Enforcement Officer William G. Ferguson if they needed building permits for planned improvements. He sent a letter saying no permits were required. The Town Board held a hearing in April and determined permits were required, that the town code had been violated, and fined the couple \$35,000, which included the cost to the town of pursuing the charges.

A town notice condemning the house was placed on the front door May 26. The town ordered that the house be vacated.

Mule said in her letter to Secretary of State Rossana Rosado that the issues with the house "are only a few of the many acts of retaliation" to which she had been subjected.

"All of these actions have been taken by the town supervisor and the board in an attempt to force me to resign from my position in retaliation for me having stood up against their prior discriminatory behaviors," she wrote.

She said her health care provider has directed her to no longer work in the "toxic environment" due to the adverse effect on her physical and mental health.

Martin Ballowe, the supervisor, said last month that the town discovered that there was no building permit for the work after the assessment had been reduced by \$91,000 for three years because of the poor condition of the property when Mule and Ballowe bought it.

He said the house had been improved, but that the proper procedures had not been followed. He told The Buffalo News he could not overlook the issue, even for a family member.

Ballowe and Mule are appealing the decision of the Town Board, the fine and the condemnation of the house.

Gary Ballowe said his brother, the supervisor, went with him to the Erie County foreclosure auction in 2012 when he bought the house on Omphalius Road in Boston for \$5,000.

Martin Ballowe also had been in the house during the two years it was being renovated, Gary Ballowe said.

"We were still getting along great," he said.

But he said he and his brother had not spoken to each other in about five months because of the dispute.