

# THE BUFFALO NEWS

## Family ties fray as Town Hall feud jolts bucolic Boston

- By Barbara O'Brien Jun 12, 2017 Updated Aug 14, 2020



Former Boston Town Clerk Jennifer Mule and her husband, Gary Ballowe, outside their house on Omphalius Road. (Robert Kirkham/Buffalo News)

The two brothers haven't spoken in months.

One of them is in love with the former town clerk. The other is accused of harassing her and forcing her to quit her job.

Throw in the condemnation of the newlyweds' house and \$35,000 in fines for not getting a building permit, and there's a reason why life in the quiet, rural Town of Boston has felt more like a big city brouhaha lately.

The Town Board's unanimous decision to condemn her house "felt like they shoved a huge knife in my back," said [Jennifer Mule, who resigned last Monday](#) as town clerk.

For Martin Ballowe, it's a matter of keeping his oath as Boston town supervisor.

"The law is the law. It has to be followed," he said. "There is no personal vendetta."

It doesn't matter if it's his older brother and the town clerk, Supervisor Marty Ballowe is convinced the owners of the house at 7305 Omphalius Road should have gotten a building permit before renovating it, and they should be held accountable. The Town Board held a hearing over the issue, found the couple guilty and [fined them \\$35,000](#) – which was the cost of legal fees – plus \$250 a day since the decision was announced May 10.

Everyone agrees the little Cape Cod in the Boston hills had been vacant, deteriorating and unlivable for at least seven years, before Mule and Gary Ballowe, the supervisor's brother, purchased it at a foreclosure auction in 2012 and fixed it up.

But there is little else they agree on.

Gary Ballowe said his brother attended the foreclosure auction with him and had been to the house several times.

Marty Ballowe said he wasn't there when the house was purchased and stopped over just once to borrow something.

Gary Ballowe said he and Mule asked the code enforcement officer twice if they needed a building permit, and the answer was no.

But an outside engineer in February concluded that a block wall that filled in the area where a garage door had been located was a structural element. After that, Code Enforcement Officer William Ferguson wrote a letter, stating that the concrete block foundation wall required a building permit.

"The owner misrepresented the nature and scope of the renovations," the code enforcement officer wrote.

"You don't deceive someone by coming to him twice," Gary Ballowe said in response.

Mule and Gary Ballowe, who got married last weekend, are convinced Marty Ballowe and other members of the Town Board are going after them in retaliation for Mule filing a workplace harassment complaint with the state Division of Human Rights.

"What she endured – it's outrageous," said Mule's attorney, Kevin P. Wicka.

Both sides seem to agree relations in Town Hall first got chilly when the town clerk stopped collecting school taxes for town residents in the Orchard Park and Hamburg school districts in 2015.

Then the Town Board hired two new clerks for Mule's office starting in January 2016, saying that the clerks she had hired had not applied for the jobs by a deadline.

Mule refused to let the new clerks in the office, and they complained she harassed them. She reappointed her two deputies, although they served without pay because the town did not rehire them.

Mule filed a complaint with the state Division of Human Rights on Jan. 8, 2016. The division found there was probable cause to believe the town had engaged in unlawful discrimination. The case was resolved Nov. 16, 2016, in a confidential settlement, according to her attorney. The official order was dated Nov. 23. Mule said she thought that would resolve the problems, but it didn't.

"I feel like it only got worse," she said.

A day after the settlement agreement, the town sent Mule and Gary Ballowe a notice of the hearing about the building permit.

"It's clear to me that the actions that occurred after the resolution of the case were done in retaliation for bringing the case and resolving it," Wicka, the attorney, said.

There were other incidents, too. The town installed cameras and windows in some doors to increase security at Town Hall, and the supervisor said Mule complained that town officials were spying on her and that she covered the window to her office.

The Town Board passed a resolution requiring her to remove the blockage. She refused. Mule said the window was on a side door near her desk, where members of the public, including those attending town court, could watch her counting money that had come into the office.

One security camera was pointed at the door where the public enters the clerk's office and the other was on the vault, Marty Ballowe said.

Mule said she asked the town to move one camera because it looked down on the front desk, where she handled sensitive information on marriage and death certificates. And she said the other camera takes in not only the vault, but the entire office.

"I was on camera all day long," Mule said, adding she put up a flag between her desk and the camera.