

## Town Board Minutes December 15, 2004

Present were Councilman Brien M. Hopkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Councilman Richard K. Hawkins, Highway Superintendent Richard A. Poore and Deputy Town Attorney Michael M. Metzger.

Excused: Town Attorney Kelly A. Vacco

Reverend Richard Kwietkowski, Good Shepherd Lutheran Church, opened the meeting with a prayer.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to refer to Grants Consultant Connie Miner a recommendation from the Conservation Advisory Council regarding the repair and installation of sidewalks in hamlet areas of the Town.

five (5) Ayes    Carried

A motion was made by Councilman Simmeth and seconded by Councilman Mead to adopt the minutes of the December 1, 2004 regular meeting with the corrected date from December 3, 2004 to December 1, 2004.

five (5) Ayes    Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board that fund bills on the Abstract dated December 9, 2004 in the amount of \$207,802.14 be paid.

five (5) Ayes    Carried

Received and filed a letter from St. John the Baptist Catholic Church regarding the 2005 Use of Facilities Agreement.

Received and filed notification from NYS Senator Bruno of Resolution 2004-22 regarding Town of Boston opposition to the NYS Budget disposition of local Justice Court Fines, acknowledgement that the provision was repealed in the Senate and Assembly and a recommendation to contact New York State Governor to support this legislation.

Received and filed Erie County Water Authority 2005 Rate Changes.

A motion was made by Supervisor Eagan and seconded by Councilman Mead to refer to Town Clerk Sherk a request of support from the Town of Alabama to establish a New York State Veterans Cemetery.

five (5) Ayes    Carried

Received and filed a NYS-DOT acknowledgement of receipt of request for a speed reduction on North Boston Road in the Towns of Boston and Eden.

Received and filed a letter from Highway Superintendent Poore regarding the position of Deputy Highway Superintendent.

Received and filed a letter from Highway Superintendent Poore regarding the re-classification of employee William Dzieranowski.

Received and filed a letter from Highway Superintendent Poore regarding the re-classification of employee Mark Chiddy.

REQUESTS FROM THE FLOOR

Kent Iggulden, 4792 North Boston Road: I was here at the last meeting about the snowmobile issue on North Boston Road.

#### REQUESTS FROM THE FLOOR CONT'D:

Kent Iggulden presented the Town Board with a signed petition from eight of the ten homes in question and copies of the New York State Snowmobile Laws.

Kent Iggulden: I would like to thank the Board for having the small stop signs removed over the weekend. On page four of the New York State Snowmobile Laws it states no person shall operate within a hundred feet of a dwelling between midnight and 6:00 a.m. at a speed greater than the minimum required to maintain forward movement of the machine. If people aren't following this can we call the State Police or Sheriff on a regular basis?

Supervisor Eagan: You are free to call anyone and they can tell you what they can enforce.

Councilman Hawkins: I talked to George Kowell, (Boston Snowmobile Club) and Peter Duchman (Hamburg Snowmobile Club) regarding the concerns that the trail is running through two houses and the length of Taylor Road. I asked about the speed limit and was told it was basically whatever the speed limit is on the road in that area.

Kent Iggulden: I think it is 45 mph.

Councilman Hawkins: I asked if there was a possibility if the snowmobile trail could be moved due to the concerns of the residents, the noise, the traffic and the possibility of accidents. He assured me that they were trying to move the trail but didn't think it could be moved this year but possibly next year it could be moved further down the road.

Kent Iggulden: It states (in the Snowmobile Laws) that no county highway shall be designated without prior written approval of the County Superintendent of Highways or Commissioner of Public Works.

Does the Snowmobile Club have that signature and if either of those people who could sign off are snowmobilers, I think the decision is one sided. I think our town needs a volunteer trail coordinator that is not a snowmobiler so that trails through residential areas could be eliminated.

At 7:47 P.M. a Public Hearing was held to hear public comments regarding the Town of Boston entering into separate Fire Protection contracts with North Boston, Patchin, and Boston Volunteer Fire Companies for the years 2005-2007.

Supervisor Egan read the legal notice.

There were no public comments.

A motion was made by Supervisor Egan and seconded by Councilman Mead to close the Public Hearing at 7:48 p.m.

five (5) Ayes    Carried

At 7:50 P.M. a Public Hearing was held to hear public comments regarding the Town of Boston Contract with the Boston Emergency Squad Inc., for the purpose of furnishing Ambulance Service for the years 2005-2007.

Supervisor Egan read the legal notice.

There were no public comments.

A motion was made by Councilman Mead and seconded by Supervisor Egan to close the Public Hearing at 7:51 p.m.

five (5) Ayes    Carried

## REQUESTS FROM THE FLOOR (CONT.)

Kent Iggulden: My home is 83 feet from the snowmobile trail and Pat Sanders home is 60 feet from the trail. Sixty feet is the width of this room to give you an idea how close the trail is to Sanders home.

Councilman Hawkins: Regarding a comment you made two weeks ago about the length of time that they could be possibly be running through the houses, the snowmobile trails open December 15th. We are looking at sixty days or more and the point I am trying to make is that I have talked with them extensively and they are aware of your concerns. I will continue to talk to them. Due to the construction of the barn and fencing they had to change the direction of the trail. They are trying by this year or next year to change that trail.

Kent Iggulden: So it looks like it will be there this winter? The petitions don't weigh enough.

Councilman Hawkins: Unless something drastically happens. They are within their legal rights and if they have approval from Erie County I am not sure there is too much this Board can do because it is a county road.

Kent Iggulden: Can we find out if they have that signature?

Councilman Hawkins: I will see if they do have that permission.

At 7:55 P.M. a Public Hearing was held to hear public comments regarding the Town of Boston Contract with the Boston Historical Society for the years 2005-2007.

Supervisor Egan read the legal notice.

There were no public comments.

A motion was made by Councilman Mead and seconded by Councilman Hawkins to close the Public Hearing at 7:56 p.m.

five (5) Ayes Carried

Edward Mye, 9235 Dunn Road: I am concerned over the received and filed letter from Highway Superintendent Poore about the Deputy Highway Superintendent position. I am the Deputy Highway Superintendent and I believe you should at least state what this is about. I would like to know what is going to happen with that. Is it just something the Board reads and that is it? There is a concern that there is a savings to the town of \$36,000. Is the position going to be appointed next year? I am very concerned because it is my job at this time and I want to know if it is done or where it stands.

Supervisor Eagan: Are you in favor or do you oppose the elimination of that position?

Edward Mye: Right now I am opposed to the elimination of it due to the fact that I am in that position right now. For next year I was wondering if it was going to happen tonight or is it going to go on. I was wondering if I am still going to have a job next year or not or whether I was going to be re-appointed.

Supervisor Eagan: In all due respect to the Board, we just received this letter and spoke for the first time in our earlier Agenda review. I think it would be premature for us to make a decision based on one person's position. What one person says is a savings may be not the case after we do a review.

Supervisor Eagan Cont'd: You have to give the Board an opportunity to review from an intelligent perspective whether there is a savings or a loss. Certainly it wasn't the position of this Board when the position was created that it was going to cost the town any more money. In fact it saves the town money because that is a salary position and we no longer have to pay, as we did in the past, \$10,000 a year in overtime. So there is a savings.

Edward Mye: This letter was received on December 9th. You didn't just receive it.

Supervisor Eagan: This evening is the first time; you were there, that we had an opportunity as a Board to look at that letter.

Edward Mye: It was not discussed at the meeting. It was just received and filed.

Supervisor Eagan: I asked if everyone here received that letter.

Supervisor Eagan asked the Board if everyone received the letter and the Board members responded yes.

Councilman Hopkins: We are going to look into it. That is all we can do.

Received and filed notification of a Liquor License Renewal for the Boston Hotel and the Boston Inn, 9373 and 9378 Boston State Road respectively.

A motion was made by Councilman Hawkins and seconded by Councilman Hopkins to approve a request from Highway Superintendent Poore to enter into a contract with Neth & Sons, Inc. for repairs and patches on the Highway Garage in the amount of \$5,725.00.

five (5) Ayes    Carried

At 8:00 P.M. a Public Hearing was held to hear public comments to consider revoking the Richard H. Hayden Jr. DBA Couzins of WNY, Inc. Special Permit for Live Entertainment at 7115 Boston State Road.

Supervisor Eagan read the legal notice and noted that sixty-four (64) neighboring property owners and the applicant were notified of the Public Hearing.

Sabatino Santarpia, Attorney with Shaw & Shaw representing Couzins Restaurant: I would like to convey to the Board some of the things that have happened since this issue has come up. I believe that you are

in receipt of a package forwarded to you and I would like it to be made a part of the record. As we know Couzins Restaurant is a food and beverage restaurant with an over thirty crowd.

Presently there is a Special Permit for Live Entertainment, which is restricted in accordance with actions taken by the Town Board in November of this year. The provisions allow for the Town Board to revisit these conditions placed on the renewal of the Live Entertainment Permit. To that end, I provided the package dated December 7th, which outlines the action taken by Couzins, to rectify the noise level coming from live entertainment.

Mr. Santarpia noted a list of improvements that were stated in a letter submitted to the Town Board from Mr. Hayden.

Mr. Santarpia: All these improvements were a great expense to my clients as well as the time and man labor that was put in to effectuate these improvements. These improvements were made as specific phases so that the volume of music could be assessed and determined before the next remedial step was taken.

Mr. Santarpia Cont'd: I'm pleased to report that these steps have completely rectified the excessive loud music. Provided for your consideration are two petitions dated 11/24/04 and 12/2/04, one of which contains 400 signatures of patrons and supporters, in which a good portion are Boston Residents. The petition dated 11/24/04 includes the name of Mr. Bozer, who is the neighbor on the very North side of Couzins. His house is in the closest proximity to the restaurant. It also includes the names of the Sarafini's and the Bates' who also live on either side of those residents who have complained about the music. This petition states that they appreciate the efforts made and that their peace and quiet is not disturbed by Couzins music or live entertainment.

Mr. Santarpia asked for a showing of raised hands of those who are in favor of renewal of the Live Entertainment permit for Couzins.

Mr. Santarpia: Kim Ziegler from Kimkits Industrial Design & Fabrication was hired by Couzins to assess the situation with regard to the noise and to rectify it. She developed the phases that took place to eradicate it. She is here and is willing to comment on the phases and/or any other questions you have. Miss Ziegler and myself went to Couzins and walked the perimeter of the property. I am very pleased to tell the Board that you cannot hear the music especially when a vehicle goes by on Rt. 391. I believe that the efforts of Mr. Hayden were successful. I know to date there has been some controversy with regard

to what efforts were made. I'm hoping that when we had provided you with what we have done and how serious we have taken this situation, that you understand that my clients do not want anything more than to co-exist with their neighbors and to run a business and make a livelihood and to provide an opportunity for neighbors and residents to meet and co-mingle. Their approach was systematic, responsive and respectful. The restriction on Cousins live music permit has created a financial burden upon Cousins who because of contracts with performers has to pay a full nights entertainment despite the limited hours. They have tried to start the performers earlier in the night. There isn't anyone that goes out that early. When the performers are now required to quit at 11:00 p.m., they are finding a mass exodus of their patrons out their door when the band stops. We are asking that you consider those improvements, assess the situation and consider the reinstatement of Cousins Live Entertainment Permit.

Supervisor Eagan stated that 64 residents along with the applicant were notified of this public hearing.

Kim Ziegler, Kimkits Industrial Design & Fabrication: I do environmental controls primarily for the automotive industry reducing noise. This was not the kind of noise that I am used to. We did this in phases. The building is older and I didn't know if it was insulated or not. They followed my suggestions ardently. The wall that was built was five inches thick. It wasn't until that was done that I suspected noise was coming out of the roof. I couldn't tell that until they fixed the wall. They added ¾ inch plywood on the floor with insulation. Last Friday, I walked the fence line there is no noise. A lot of time and money was spent and my instructions were followed to the letter. I have a pretty good reputation with General Motors, Dupont, American Axle and Delphi. I'd be happy to answer any questions you may have, but the problem is solved.

Ron Botticelli, 5553 Northside Drive: I'm roughly 200 feet from Cousins parking lot, and I'm here to tell you that the noise has not been taken care of. I have two cocker spaniels, licensed here in Boston. Whenever I let them out past 8 p.m., those dogs continually bark from the noise coming from that direction. You talk about investing \$1,800 to solve the problem. I have two cars and spent more than that for tires. I can't really see how that did the job these people are talking about, because it hasn't. I just think more should be done if they are going to improve that property as far as the sound goes. To my satisfaction, it hasn't been met. I don't know why I should have to put up with that. It's day in and day out, basically the weekends, but the noise is there.

Joe Antos, 5554 Northside Drive: My backyard is back to back with Cousins. Now, I hear the music on occasion, but I'm hard of hearing. But, my wife does complain about the music. My big complaint is the patrons.

Joe Antos Cont'd: There are some who throw wine bottles, beer cans, and cups and what have you over on my property. I police it because I don't expect Couzins to confront these people. So, I can't blame Couzins for that. It seems to me that they are doing a lot of guesswork on how to control the sound. I think the main way to control it is with the volume control.

Pat Needell, 7123 Boston State Road: I'm on the Southside of Couzins. I disagree; I still heard the bands Saturday night. Some bands are quiet. I could hear it standing on my driveway Saturday, up until 11:00 p.m. I could hear it in my basement. Mr. Hayden has come over and mentioned to my husband that he would find someone to buy my house. This is not the solution. An acoustical engineer has also told me that wood transmits noise. If this is what he is using, than it's not working. I don't know how much more I can say. The people that signed the petitions are not from the direct neighborhood. We have representation up here of the ones that are.

Donna Huson, 7104 Boston State Road: We've said this time and time again. If the volume were turned down, we wouldn't have a problem. I don't know how many times we have to come to the Town Board and stand here and ask them politely to just turn it down. They are holding bands on nights they aren't supposed to. I believe they were issued a letter on November 6th that clearly states that they can have bands Thursday, Friday and Saturday until 11:00 p.m., but they did have a band on Wednesday. I want to know what is going to be done about that.

Debbie Patterson, 7858 Boston Colden Road: I work at Couzins, some bands are loud, but Rick and Bob have done a lot to try and make people happy. They don't want you to not want them there. This is their livelihood. The people that come there are good. For six or seven months, they have been working on this sound problem. He's really trying to comply and make life easier for you. He doesn't like causing you a hard time. But you are also in turn causing Rick and Bob hard times. Bands cannot start at 8:00 p.m. and end at 11:00 p.m. People are just coming in the door at 10:00 p.m. They are losing a lot of revenue. It's not a drug haven. People outside are loud. If we could smoke inside there would be nothing to worry about. I think you should come over or just call Rick and tell him the music is loud. You don't have to come here. He's very easy to work with.

Supervisor Eagan interrupts and reminds the audience that comments and conversation should be directed to the Town Board and asked that everyone show respect for the person speaking. Supervisor Eagan stated that if you want to talk to please use the microphone.

Debbie Patterson: Motorcycles, snowmobiles, you can't stop people from living. If he's losing money, I'm losing money. I ask the Town Board to not take his Entertainment license away. That is what they went into the business for. How long have you people live in this town next to the bar?

Joe Antos: If I might add, I have live there for about 44 years, and this is the first time stuff like this ever came up. My understanding is that the permit was issued with stipulations, and I believe they are violating those.

Jeff Biehler, 6658 Holiday Drive: OSHA rules and regulations state there are no qualifications for license of a decibel reading. I am licensed through New York State Department of Labor. A factory of conversation is 80 decibels. Rick and Bob are not even pushing that. If you don't believe it, find out.

Mark Julkowski, 86 Fradine: I play in a band at Couzins and I just want to make the point that Rick is very diligent about keeping things down. Every band that plays has a different volume level. He does stress the point and is very easy to talk to and work with. If there is a problem with noise levels, he is more than easy to approach to ask him to turn it down. He's also very adamant about stopping at 11:00 p.m. We were told to stop and we did. It's not something that he is taking lightly. Rich is trying to make a living and we understand the people living close by have their concerns as well. He is working to resolve this and he is definitely not pushing bands beyond that point.

William Camp, 6451 Ludon: I work the door at Couzins. I've been there since they opened. I don't know exactly what they have done as far as work, but as far as I know they have complied with everything that has been asked of them. As far as people going outside and throwing bottles and stuff in your yard, I'm one person, I work the door, I try to keep an eye on everybody and try to keep the peace. I can't watch everyone, but I try. As far as I know since Rick has had to have the bands done by 11:00 p.m. and his clocks are set ten minutes fast to make sure of that. I think he has done everything that has been asked of him. I don't think he can please everyone and no matter what you do some people are never going to be happy. This is just my opinion. I think he is trying to do the best that he can and I'm sure he is willing to work with the Town Board and the neighbors to try and resolve this. He just wants a place where people can come. I've seen most of you in there enjoying yourselves and listening to the bands.

Suz McKinney, 3470 Dickens Road: I am a member of the band that was there Saturday night. Rick made sure that at 11 o'clock we were done. As far as there never being noise there before, we played there when it was Boston Grille, they had the windows wide open. They didn't take all the precautions to sound that Rick has done. So, he made sure we were done at 11 p.m.. We are trying to abide by the considerations of the neighbors and I find this very odd that they didn't complain when it was Boston

Grille. Here Rick is taking all these precautions for sound and has done all this work, it's a major issue, and we are here at Town Hall about it.

Joe Rappl, 10983 Scoby Road: I too am a member of a band that plays at Couzins and we have been holding the open mic sessions on Thursday. I will testify that as a log in that bar, we close down at 11 o'clock since we were told to. I can also reinforce the statement that Rick is very diligent about asking us to please keep the volume down. I can also attest going back almost 30 years, as a lead singer for a band by the name of Serge, playing when Jeff Phillips ran the bar windows were open. We had three more members of our band play at an extremely louder volume and never once heard a complaint from any of the neighbors. I ask, what money has been spent by the town or by the neighbors to justify their complaints and to put proof on the table that they indeed have a valid complaint. I can understand. I was also a bar owner for 15 years, with neighbors complaining about customers coming through your restaurant, in the parking lot, loud noises, bottles and stuff. That is a common thing with restaurants. It was common when I owned my restaurant in Orchard Park. The bottom line was that at night you policed and patrolled, and in the morning you cleaned up. I give the residents and the neighbors a lot of credit and a lot of respect for standing up for what they feel is right. But, I also have to ask them have any of them had to go through what they are putting Rick and Bob through to feed their families? Have any of them been responsible for the livelihood of eight, ten maybe twelve other people by running a small business and had to sleep with that at night thinking if I lose this contest with the Town, how do I look at those people and tell them they no longer have a livelihood with me? I ask the Town, what consideration are they giving to the employees and to the ownership at Couzins to give them equal time and effort to answer their questions and to respond to their needs.

Mr. Santarpia: Just for the follow up, I have heard the concerns expressed by some of the neighbors who are having exception with the live entertainment at Couzins. I note that the ordinance is written in a very subjective manner. It is asked if whether or not it's an obtrusive force to a neighbor or someone who is adjacent to the property. The problem that we are finding in trying to assess this problem from a legal stand point is that there is no objective way of measuring when this noise is overboard or not complying with the ordinance. Since we are dealing with the subjective kind of thing, we need to get some kind of meeting of the minds so that we all understand when this noise is excessive. I'm here to tell you, as was Ms. Ziegler, we walked that property line, and we could not hear the music. When a car or motorcycle went by on the street, it was deafening to us. There was no music to be heard. When do we decide how to determine that these neighbors are not being objectively correct in their assessment of the music? We don't know. We have no idea when it is too much other than them telling us that. It leaves us in a very bad position. After reading the minutes of what transpired before on this matter as well as what some of the residents have stated here, is that the complaints don't have anything to do with the volume of live music.

Mr. Santarpia Cont'd: What it does have to do with is what is going on in the parking lot; people pulling in and pulling out, motorcycles starting up. We don't have control over that, and I don't believe there is any ordinance or law that puts us in control of that. If that is the problem, we will have someone stationed in that parking lot to alleviate that kind of thing. That is how far Rick and Bob will go to try and alleviate this problem. But, we don't have an obligation to police the parking lot, to worry about who is pulling in and out. It's not Cousins responsibility. But, if that's the major aspect of the complaints, as Rick and Bob have done from day one, they will bend over backwards to help these people. I think we need some kind of idea as to whether or not the complaints that are coming from certain neighbors are warranted. Unless we figure out what they are actually hearing, it's hard to give their argument any credence. We've done everything we can and we can prove it if you walk the property line with us.

Roger Mosgeller, 9554 Feddick: I've been a Boston resident my whole life. My grandmother worked down at the bar in the 1930's or 1940's. At times the revenue from playing music is approximately 30 percent of my yearly income, which I then spend at the local area Pizza Baron, Three Girls Café, etc. It's definitely a positive for me.

D.R. Miles, 5450 Creekside: I just like to say that with the financial situation in this county, I think it would be a good idea to let Rick's business make the potential that it possibly could, instead of putting the burden on us taxpayers.

Jim Steward, 7547 Valley Circle Lane: I have been a Boston resident for 51 years. I have been going to that bar when it was Murphy's and every other owner that has had it since then. When it was Murphy's, they had an outside clam stand that people stood around, ate, and drank all night. Nobody ever complained about the noise. I've been there watching Rick do the work that they have talked about. I was surprised how much stuff they put on that wall. He's trying his best. I've seen Karl there. We go down to listen to music. It's just a nice place. You don't have to go to Buffalo to hear good bands. You don't have to go to Hamburg to hear good bands, you can do it right here in Boston where it's nice. It's how it should be.

Todd Schunk, 6045 Thornwood Drive: I have to agree with what Mr. Stewart just said. I've been down there when it was Murphy's, when there were cars parked up and down the 219, both sides of the road, on other people's property. I've seen a lot of bands over the years. I've seen members of the Town Board down there. We've talked about it and they agreed that they didn't feel it was excessive noise either. They have walked next door and said they could hear it a little bit, but it wasn't loud. Once in a while there might be a couple motorcycles, but wherever they leave from they are going to be just as loud. I just think Rick has done everything he could. You will never hear a bar having a band that quiet. I

enjoy hearing bands, and I'd like to still hear them in this town. The way businesses are now with places opening and closing, I'd hate to see you try to run another business out of town. I think he's doing a good job.

Stephanie Hayden, 7114 Boston State Road: I'm 38 years old. I've met some of my best friends at Couzins. I like to dance. I like to sing. I like to have fun and I'm not prepared to spend the rest of the evenings of my life in my living room growing old. I want to have fun. I love it there.

Mr. Botticelli: One last thing, when I came to this town it was quiet. It's not that anymore. Regardless of what you've heard here, believe someone that lives in the area and knows and sees what goes on there. You are asking for trouble if you ok that license.

William Camp: I just want to reply to what the last gentlemen said. I also moved out here because it was quiet. But, when I moved out here eight years ago, my windows were open in the summertime. I live on Ludon, which is about four blocks from Valley View. I remember lying in bed at night hearing music blaring from that place at two or three o'clock in the morning. This is a part of my community. This is what goes on. I've never heard anyone complain about Valley View.

Christine Schunk, 7099 Boston State Road: I share property line with the gentlemen with the cocker spaniels. I have no complaints of noise at all from Couzins. I never hear any music at night. Occasionally I hear cars pulling out of the parking lot, but nothing more than what I hear from Meadow Drive.

Arlene Weiss, 7098 Boston State Road: I live north of the business. I have lived here my whole life, right in the neighborhood. It depends on what kind of business it is, and I take exception to the fact that there was no noise when it was Murphy's or some different establishments. I have no problem with the business being there. There has been a bar there my whole life. I sympathize with all the people who feel they may lose a job. But, the simplest solution is to turn it down. He has gone through a lot of expense. He can play until 4:00 a.m. It's wintertime right now, so everything is going to be muffled. Summertime will be a whole different story. I feel the Board is in a no-win situation. You are going to have to make a decision whether to extend this or not. I really feel it's in the owners' hands. He has done a lot, but the easiest, simplest, inexpensive way is to turn it down.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to close the Public Hearing at 8:41 p.m.

five (5) Ayes Carried

Received a request from Loran Bommer, Esq, Attorney for Richard J. Boyd, president of 8229, Inc. DBA Sprague's Mobile Home Park, for the renewal off the Mobile Home Park License.

Supervisor Eagan commented that Town Attorney Vacco recommended that the Town Board take into consideration what has been said this evening and upon her return review and based on her recommendation, take the necessary action.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to table the request for a License Renewal for Sprague Mobile Home Park.

five (5) Ayes Carried

Supervisor Eagan commented that regarding the Irish Gulf Bank Stabilization Wildwood Drive Contract this has been an ongoing erosion problem for several years and we have been successful, thanks to our Grant Consultant Connie Miner, in securing two grants in the amount of \$180,000 to address this project. Also thanks to Foit-Albert Engineers for compiling the bid specs. The original quote on this project was \$300,000 and we have before us thirteen companies with a low bid of \$109,207.

The following bids were received and opened on Friday, December 10, 2004 at 11:00 a.m. for the Irish Gulf Bank Stabilization Wildwood Drive Contract:

Union Concrete (UCC Construction) \$109,207.00

D&H Excavating, Inc. \$154,920.50

Eastwood Industries Inc. \$191,713.00

LC Whitford \$225,805.50  
Buffalo Creek, Inc. \$239,000.00  
Donald J. Braasch Construction \$266,300.00  
Accadia Site Contracting \$287,399.00  
Catco \$273,503.00  
Northrup Construction \$270,614.00  
Janik Paving & Construction \$277,576.60  
Holmes & Murphy \$332,005.00  
Milherst Construction, Inc. \$353,575.00  
Armand Cerrone, Inc. \$429,040.00

Motion Cont?d: A motion was made by Supervisor Eagan and seconded by Councilman Hawkins, on the recommendation of Foit-Albert Engineers, to award the bid to Union Concrete (UCC Construction) for the Irish Gulf Bank Stabilization Wildwood Drive Contract for \$109,207.00.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins to authorize the Supervisor to enter into an agreement with Union Concrete (UCC Construction), on the recommendation of Foit-Albert Engineers, for the Irish Gulf Bank Stabilization Wildwood Drive Contract for \$109,207.00.

five (5) Ayes Carried

SUPERVISOR REPORT

Supervisor's report for November 2004 was received and is on file in the Town Clerk's office.

Supervisor Eagan reported that the Annual Town of Boston Christmas Concert is scheduled for Thursday, December 16, 2004 at Boston Valley School, 7:30 p.m.

Supervisor Eagan reported that a letter was received from the Water District #3 Consulting Engineering Firm noting that delays in the project were incurred due to the construction process including a loss of chlorine in the line. Nussbaumer & Clarke Engineering noted that everyone should be online by mid January.

Supervisor Eagan reported that he secured \$150,000 grant money from newly elected Congressman Higgins and retiring Assemblyman Smith to defer costs otherwise to be absorbed through an ECWA loan. The cost is reduced to us from \$500,000 to \$350,000 at a much better rate and savings. The surcharge to resident water bill has been eliminated.

Supervisor Eagan, noting he promised Ms. Needell he would read her letter at the Board meeting, read the letter from the main complainant of Couzins Restaurant, Patricia Needell, 7123 Boston State Road, dated December 13, 2004, requesting that the Town Board revoke the Live Entertainment Permit.

#### TOWN CLERK REPORT

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Town Clerk's report for November 2004.

five (5) Ayes    Carried

Deputy Town Clerk Mulé announced that a letter was received from Cathy Maghran, Boston Valley School Nurse, thanking her, Town Clerk Shenk and the Community for the \$3,000 check for the Boston Valley School Emergency Fund from the sale of the "Support Our Troops" ribbons. The remaining proceeds will be used to buy phone cards for our troops in Iraq and Afghanistan.

## TOWN ATTORNEY REPORT

A motion was made by Councilman Hawkins and seconded by Councilman Simmeth to authorize Supervisor Eagan to sign a letter of commitment in regards to the WNY Storm Water Coalition.

four (4) Ayes Carried

## COUNCILMAN REPORTS

Councilman Mead announced that the position of Assistant to the Nutrition Director, part-time, would be available in 2005 due to the resignation of Joyce Thurber. Heidi Monin, Boston State Road will be appointed in January and the Deputy Town Clerk is directed to inform her that it would be advantageous to attend a training session before January.

Councilman Mead thanked Councilman Hopkins for his efforts with the negotiations for the 2005 Fire Protection Contracts. He did a great job and it went well for the town.

Councilman Hopkins reported that he enjoyed working with the Fire Companies and the Emergency Squad on the contract negotiations. There are a lot of good people in this town that work hard to help this community. Councilman Hopkins thanked Town Attorney Vacco for her help with the fire company contracts and Deputy Town Attorney Metzger for his help with the Emergency Squad.

Councilman Hawkins reported that traffic studies are being done for speed reductions on North Boston and Feddick Roads. Hopefully an approval will be received in January for both roads.

## ASSESSORS REPORT

- Assessor's report for November 2004 was received and is on file in the Town Clerk's office.

#### TOWN JUSTICE REPORT

- Town Justice report for November 2004 was received and is on file in the Town Clerk's office.

#### DOG CONTROL OFFICERS REPORT

- Dog Control Officers for November 2004 was received and is on file in the Town Clerk's office.

A motion was made by Councilman Eagan and seconded by Councilman Simmeth to adjourn the meeting at 9:00 p.m.

five (5) Ayes Carried

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JENNIFER MULÉ, DEPUTY TOWN CLERK