

Town Board Minutes December 29, 2004

Present were Councilman Brien M. Hopkins, Councilman Karl J. Simmeth Jr., Councilman Dennis J. Mead, Councilman Richard K. Hawkins, Supervisor William A. Eagan, Town Attorney Kelly A. Vacco and Highway Superintendent Richard A. Poore.

A motion was made by Councilman Mead and seconded by Councilman Simmeth, upon review by the Town Board that fund bills dated December 27, 2004 in the amount of \$94,901.54 be paid.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to authorize the following: attendance for Supervisor Eagan, Town Clerk Shenk, Highway Superintendent Telaak, Town Justice Tills, Assessor Hornberger Conservation Advisory Council Member Speich and Town Attorney Vacco to the Association of Towns Annual Training Conference from February 19-23, 2005 and to approve expense reimbursement for registration, plane fare, hotel single rate, \$200 expense allowance.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to designate Supervisor Eagan as the delegate and Town Justice Tills as the alternate at the Association of Towns Annual Meeting.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to authorize Supervisor Eagan to sign the Department of Senior Services Nutrition Program Contract for 2005-06 subject to Town Attorney Vacco's acceptance.

five (5) Ayes Carried

Town Attorney Vacco stated that she has spoken to Jeff Peterson from Local 17 and they are both in agreement that the copy before the Board has not been reviewed for typographical and clerical mistakes but, the content will remain the same.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to accept the conditions of the Highway Contract and to authorize the Town Board to execute the contract.

five (5) Ayes Carried

Supervisor Eagan stated that a public hearing was held to hear input from the community regarding the Live Entertainment Permit for Couzins December 15, 2004.

Councilman Hawkins stated that he and Councilman Hopkins had gone to Couzins and walked the perimeter of the grounds. The noise was very faint outside the bar and the neighboring homes. Councilman Hawkins stated that it was pleasing to know that being inside, they could, at any point, hold a conversation and not have to worry about not being able to hear the person next to you. The music was not overbearing. Councilman Hawkins stated that he and Councilman Hopkins went there on Saturday night. Bareback Jack played Friday night and they are a very loud band. Mr. Hayden has a Plexiglas shield around the drum to revert the sound away. The neighbors heard no noise at all.

Supervisor Eagan stated that most of the comments made at the public hearing spoke to noise, Rick being good guy and running a good operation. Supervisor Eagan stated that he noticed that no one at the public hearing was speaking to the vibration that was the main issue for the neighbor next door. He also stated that Mr. Hayden's attorney Mr. Santarpia made note that he couldn't find anything in our code that said Mr. Hayden would be responsible for what happens outside his establishment.

Supervisor Eagan Cont'd: This comment made Supervisor Eagan question whether Mr. Santarpia read our Live Entertainment Permit Code because it states that the person is responsible for whatever goes on outside of his building on his premises. Deputy Code Enforcement Officer Lisowski told supervisor Eagan that the bouncer stood up and stated that no one goes out with a beer while he's at that door. To the contrary, when Deputy Code Enforcement Officer Lisowski walked into Couzins, two people with beer walked outside. The bouncer could have been distracted. Those issues can be addressed. Supervisor Eagan commented that the shield in front of the drums coincides to some things he has read

on the Internet regarding loud noise. Supervisor Eagan stated that he believes that Mr. Hayden has taken the Board seriously and they don't want to be unfair.

Councilman Hawkins stated that when he and Councilman Hopkins were there, Mr. Needell did come out and Councilman Hopkins spoke with him. Mr. Needell told Councilman Hopkins that he didn't hear anything Friday night when Bareback Jack played. That night was the loudest. Councilman Hawkins stated that in speaking with Mr. Hayden, he is willing to continue to do whatever he needs to do in order to appease the neighbors. Councilman Hawkins stated that there was no vibration of the windows when he was at the Needell's.

Supervisor Eagan stated that he believes that Mr. Hayden has zeroed in on the noise problem. Supervisor Eagan suggested running a test over the next couple weeks to see if things are still going smoothly.

Councilman Hopkins stated that he is ready to put this issue behind him and make a decision. He realizes that New Year's Eve is approaching and reaching a decision would help Mr. Hayden make arrangements for his New Year's Eve entertainment.

Councilman Hopkins stated that Mr. Hayden is the only one that can control this problem, and with this new shield and speakers being rearranged, things will improve, but once it gets out of hand again the town will probably get more calls.

Councilman Hawkins stated that New Year's Eve was coming and he would like to waive the restrictions and see what happens over the holiday and come back to review it. If no problems occur, as far as he is concerned, it's taken care of.

Councilman Simmeth stated that he was happy with the work that Mr. Hayden has completed. He stated that he did go to Cousins and the music was a little loud. He also stated that he asked Mr. Hayden to turn down the music and he did. Councilman Simmeth stated that he would be in favor of not having any restriction on New Year's Eve and to let Mr. Hayden play until 2:00 a.m. but he agrees with Supervisor Eagan to give the situation another three weeks and if there aren't a lot of complaints, at the January 19th meeting the Board can reinstate the permit without restrictions.

Supervisor Eagan stated that would give Mr. Hayden three weekends to really see if that shield is going to help. It also gives Mr. Hayden the ability to have a New Year's Eve occasion.

Councilman Hawkins noted that Mr. Hayden has decided that he would not have bands on Friday nights.

Rick Hayden: The only thing that we're going to do on Friday nights is Karaoke or acoustical music. Saturday's will be my band night.

Councilman Simmeth asked if the Board was talking about lifting the restrictions completely until the second board meeting in January.

Town Attorney Vacco stated that the Board could suspend the restrictions placed on the Live Entertainment Permit until the January 19th meeting, at which time the tabled issue of whether or not the Town Board was going to revoke Mr. Hayden's Live Entertainment Permit could be addressed as well as whether or not the Board will permanently suspend the restrictions placed on the Live Entertainment Permit.

A motion was made by Councilman Hawkins and seconded by Councilman Hopkins to temporarily suspend the stipulation of Couzins' Special Permit for Live Entertainment and allow Live Entertainment to continue until 2:00 a.m. on Thursday, Friday and Saturday. This temporary suspension will expire on January 19, 2005. At such time the Town Board will once again consider revoking the license or make changes to the current stipulations.

five (5) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Supervisor Eagan to authorize the signing of the contracts with North Boston Volunteer Fire Company, Inc., Patchin Fire Company, Inc., and Boston Fire Company, Inc. for the furnishing of Fire Protection. Each company will be paid in the following

manner: the 2005 amount will be \$122,714, the 2006 amount will be \$122,714 + the CPI + .5% or \$122,714 + 2.5% which ever is greater, the 2007 amount will be the 2006 amount + the CPI + .5% or the 2006 amount + 2.5% which ever is greater.

five (5) Ayes Carried

A motion was made by Councilman Hopkins and seconded by Councilman Mead to authorize the signing of a contract with the Boston Emergency Squad, Inc. for the purpose of furnishing Ambulance Service in the amount of \$22,800 for the calendar year 2005, \$22,800 for the calendar year 2006 and \$22,800 for the calendar year 2007.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Simmeth to authorize the signing of a contract with the Boston Historical Society, Inc. for the preservation of historical places and objects, in the amount of \$5,300 for the calendar year 2005, \$5,400 for the calendar year 2006 and \$5,500 for the calendar year 2007.

five (5) Ayes Carried

There were no requests from the floor.

Councilman Hawkins noted that this was the last meeting that Highway Superintendent Poore would be in office and wanted to note that he has appreciated working with him and thanked him for stepping into the position at a difficult time. Councilman Hawkins thanked Highway Superintendent Poore for everything he has done for the community.

A motion was made by Supervisor Eagan and seconded by Councilman Simmeth to adjourn the meeting at 4:32 p.m. in the memory of Patricia Brunner, who was a great asset to this community.

DAVID J. SHENK, BOSTON TOWN CLERK