

Town Board Minutes December 5, 2007

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Dennis J. Mead, Councilwoman Cathleen M. Dobson and Supervisor Eagan.

Also Present: Highway Superintendent Telaak, Town Attorney Downey, Code Enforcement Officers Ferguson and Lisowski.

Rev. James Hakes, Faith United Church opened the meeting with a prayer.

The meeting was dedicated to the memory of Dolores Seufert, a long time Boston Senior Leader.

RESOLUTION 2007- 36 DISPOSAL AND SALE OF EXCESS WOOD

RESOLUTION 2007- 37 IN SUPPORT OF THE RENEGOTIATION OF THE COUNTY SALES TAX AGREEMENT

A motion was made by Councilman Mead and seconded by Councilman Hawkins to adopt the minutes of the November 19, 2007 special meeting.

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson to adopt the minutes of the November 21, 2007 regular meeting.

five (5) Ayes Carried

A motion was made by Councilman Mead and seconded by Councilman Hopkins, upon review by the Town Board, that fund bills on the Abstract dated November 29, 2007 in the amount of \$150,360.29 be paid.

five (5) Ayes Carried

REQUESTS FROM THE FLOOR

Herbert Klein, 7690 Back Creek Road, questioned the alleged statement of Supervisor Eagan that the Christmas Lighting Committee was not a committee of the Town of Boston and therefore the Town did not carry insurance on that committee.

Supervisor Eagan stated that was not a true statement. No appointments were made to the Christmas Lighting Committee in 2007 because no membership list was submitted. He also noted that because the Christmas Lighting Committee is not a sanctioned town committee that the town cannot legally insure it. The town does insure the decorations, which the town did not purchase, does not own, that are being stored on private property and therefore has no insurable interest. Supervisor Eagan stated he never cancelled insurance on the Christmas Lighting Committee and could not do so without Town Board approval.

Herb Klein stated that it was always the opinion of the Christmas Lighting Committee that they were insured because they were appointed by the Supervisor or Town Board from 1995-2005 and listed in the minutes as a committee of this town. He suggested that the town legal counsel discuss this with past legal counsel whose ruling was that if the committee provided a service to the entire community, it was an insurable town committee. He noted that he would have never asked volunteers to work on the roads if they were not insured.

Supervisor Eagan directed Town Clerk Shenk to notify the town insurance carrier that the town is insuring items that we have no insurable interest. He noted that it is the intention of the Town Board to insure that the town is decorated for every holiday season and will that it will officially and legally become a town function. The town cannot legally put up the manger, but it will be addressed.

Herb Klein stated that he believes the decorations belong to the Town of Boston.

Supervisor Eagan responded that the town did not purchase the decorations.

Herb Klein responded that the decorations were given to the town and the vouchers were approved to purchase the decorations.

Supervisor Eagan noted that the money to pay for the decorations was from donations and not from money raised from taxes. As a courtesy the bookkeeping office acts as a managing entity to help the Christmas Lighting Committee. You don't see the figures in the town financial report. It is a separate account just like the account for Meals On Wheels.

Councilman Mead stated that it is the same situation as the baseball, softball programs. They give us vouchers to purchase their equipment, but we don't own the equipment.

Herb Klein stated that he feels this is all something that should be discussed legally because we feel that the decorations belong to the Town of Boston and Mr. Cary should be thanked for housing the decorations all these years.

Councilman Hopkins noted that as the Chairman of the Christmas Lighting Committee he has brought all these issues to a head during the past few weeks.

Herb Klein suggested that the town seal hanging in the courtroom should have a brass plate attached to the bottom with the names of Donald Schutt who designed the seal and Charles B. Bradley, the town historian at the time, who carved the seal in approximately 1967.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins, on the recommendation of Code Enforcement Officer Ferguson, to approve the extension of a Special Use Permit for a temporary structure for Robert DeSantis, 6346 May Drive, to expire 12/31/09.

five (5) Ayes Carried

A motion was made by Councilman Hawkins and seconded by Councilwoman Dobson, on the recommendation of Code Enforcement Officer Ferguson, to approve an additional night of Live Entertainment on December 31, 2007 from 9 pm to 2 am for Couzins, 7115 Boston State Road.

five (5) Ayes Carried

RESOLUTION 2007- 34 SHARED MUNICIPAL SERVICES INCENTIVE GRANT

RESOLUTION 2007- 35 DEFERRED COMPENSATION RESOLUTION

A motion was made by Councilman Mead and seconded by Councilman Hopkins, on the recommendation of Highway Superintendent Telaak, to authorize Supervisor Eagan to enter into an agreement with Erie County for a Snow and Ice program effective 9/1/07 and expiring 8/31/10.

five (5) Ayes Carried

Supervisor Eagan commented that regarding Local Law No. 6 of the Year 2007 Entitled, a Local Law to Restrict the Location of Wind and Energy Systems, this is the first step in initiating a code that addresses wind or turbine generated energy systems. This is not the end of what we will be doing in this area. A few residents have expressed an interest in installing residential wind turbines that are not the same size as commercial wind turbines. Over the next few months we will address additional codes to differentiate commercial from residential wind turbines. A public hearing was held on this issue and one individual spoke.

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to adopt Local Law No. 6 of the Year 2007 Entitled, a Local Law to Restrict the Location of Wind and Energy Systems.

Councilman Hopkins Voting Aye

Councilman Hawkins Voting Aye

Councilman Mead Voting Nay

Councilwoman Dobson Voting Aye

Supervisor Eagan Voting Aye

four (4) Ayes one (1) Nay Carried

Received and filed a monthly report from the Justice Court.

Supervisor Eagan offered his condolences to the family of Dolores Seufert noting that she was a dedicated individual in this community, especially to the Senior Group. She will be sadly missed.

Town Clerk Shenk noted that Dolores Seufert was a very young senior and she will be missed.

Town Clerk Shenk announced that the Sharing Tree is in the Town Hall lobby and there are a few angels remaining.

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the purchase of a new lawn mower for the Parks Department contingent upon Board approval of the appropriate fund transfers to cover the purchase from State bid.

five (5) Ayes Carried

Town Attorney Downey reported that the asbestos removal at 6892 Boston Cross Road has been completed and he is waiting for the final reports. The bid opening for the demolition of the property is December 18, 2007 and a contract will be awarded at the December 19, 2007 regular board meeting.

Councilman Mead extended his sympathy to the Seufert family.

The Town Board thanked Councilman Hopkins for volunteering to be Chairman of the Christmas Lighting Committee. It also thanked the Highway Department for its help.

Councilman Hopkins thanked Herb Klein for his years as Chairman of the Christmas Lighting Committee. He noted that he had no idea how much work was involved and can understand his frustration with the insurance issue. This will run smoother next year and we will need to look for financial support from the residents. Councilman Hopkins thanked Ed Cary for his time and effort.

Supervisor Eagan commented that he will send Ed Cary a thank you for his help with the Christmas Lighting Committee.

Councilman Hawkins reported that the prisoners from the Erie County Prisoner Work Program were working in Eighteen Mile Creek a few weeks ago and will return to remove more trees when the creek is at a lower level.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to adjourn the meeting at 8:06 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK