

Town Board Minutes February 4, 2009

Present: Supervisor William A. Eagan, Councilmen James E. Pluta and Richard K. Hawkins, and Councilwomen Cathleen M. Dobson and Cathy A. Maghran.

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

Rev. James Laun, Churchill Memorial United Methodist Church, opened the meeting with a prayer.

The following RFP's to Furnish and Install one (1) new 2008 or newer one ton type Dump Truck Body were received as follows:

Viking Cives	\$8,296.00
Valley Fab & Equipment, Inc.	\$9,154.00
STS Trailer & Truck Equipment	\$9,300.00
General Welding & Fabrication	\$9,495.00

Town Attorney Downey clarified that there was an inadvertent opening of some of the original bids and they were resubmitted as RFP's.

A motion was made by Councilman Pluta and was seconded by Councilwoman Maghran to award the contract to Furnish and Install one (1) new 2008 or newer one ton type Dump Truck Body to Viking Cives at a cost of \$8,296.00.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilwoman Maghran to approve the Use of Facility Application for Patchin Fire Co. /Boston Hills BBQ Fest from June 24-29, 2009.

five (5) Ayes Carried

Supervisor Eagan noted that there are two Verizon representatives here tonight. Boston residents were being approached by Verizon Marketing Representatives and were led to believe that this Town Board was holding up signing an agreement with Verizon, which would allow them to broadcast their FIOS television in the Town of Boston. He was told by a marketing representative that this delay was due to politics and that the Town Board has to approve it. Supervisor Eagan stated that he identified himself to the representative that the Town of Boston has never been approached by Verizon asking us to consider an agreement.

Supervisor Eagan introduced Maureen Rasp-Glose from Verizon to explain to us what the facts are in regards to FIOS Television.

Maureen Rasp-Glose, Government and External Affairs Director for Verizon and WNY: Introduced Larry Cobado, Construction Manager, involved in Verizon Fios deployment Maureen Rasp-Glose Cont'd: in WNY and Syracuse. We want to go on record to say that Verizon has been involved in the deployment of FIOS for several years in the Buffalo area and that has taken up a lot of our time and effort and we have certainly provided a lot of marketing and advertising for this. This is a program we're very proud of, but it is something that we have initiated ourselves in ten communities in WNY and that we have not engaged in any franchising discussions with the Town of Boston. This has nothing to do with politics; it has everything to do with Verizon. We are not ready to come to the Town of Boston. There are a variety of reasons as to where we decide to go. Several years ago all of those factors were considered and they chose ten communities in the Buffalo area, which excludes a lot of other communities as well. The Town of Boston has been very vocal in wanting to be a part of our FIOS future in WNY, but again, we are not in a position to sit down with you. We want to keep good relations with the Town of Boston. We know that the residents have heard about it and are very excited. Unfortunately, we do have a kiosk in the McKinley Mall where some misinformation has been presented and we apologize for that. We have alerted our marketing managers and we have put them all on notice that we can not, under any circumstances, engage in any type of conversations about where our franchise will be going or doing. What we have told our managers is that in 2009 we are going to focus on our fiber optic build in the ten communities where we do have franchise agreements. There is a five year build out plan when you have a franchise agreement.

Councilwoman Maghran: I live on Back Creek Road and have a 649 phone number. I had a salesman in my house on a Saturday last August and he convinced my husband and I that we needed to switch to the fiber optic computer and phone because of the savings with addition to having our television. He told us that it would be in by October. We signed up and had the computer and phone switched over because of this big savings we were going to have with this package. Obviously, we don't have the television nor is it anywhere near coming to town. I have no complaints with the phone or computer, but we did this because of this big savings we were supposed to benefit from. So, I'm sure a lot of other residents have been told the same thing. I can see where the residents are getting aggravated because they thought they were going to be saving all of this money by going onto the three services at once.

Supervisor Eagan: There were college students last summer working for the marketing that were going door to door.

Larry Cobado: We do have a Direct TV relationship to fill out the television portion in areas where we can offer the FIOS franchise television over fiber optic, which that should be available on Back Creek Road. I think that the product offering in the three forms of service from Verizon is sincere, but the difference is that it isn't provided over the FIOS network, it's provided through our cooperative agreement with Direct TV. I do want to thank the Town of Boston and the community. We have had an excellent working relationship with the town for many years and we hope to continue to have that good relationship. Right now, we have everyone building at capacity to fulfill our agreements in the ten communities that we have the franchise agreements and we look forward to go beyond those ten communities, we're just not sure when it's going to be.

Maureen Rasp-Glose: We would love to bring FIOS to all the communities here in WNY. We are members of the Verizon family. We live in Hamburg ourselves and we don't have FIOS yet either.

Larry Cobado: In a community such as Boston where the primary exchange is 941 and you also have 992, 648, and 649. This means that you are served by the Eden Central office and Boston Central Office in the North East corner. There is some overlap. Our telephone network was built years ago, based on physical separations. Population centers were different then and that is how exchanges evolved and became solidified. No one wants to change their telephone number if we told everyone based on their town affiliation that they were getting a new phone number they wouldn't be happy. So we have to manage those edges.

Councilwoman Maghran: Will different areas with different phone number receive the services at different times?

Larry Cobado: Yes.

Supervisor Eagan: Correct me if I'm wrong, but even for those of us who have a Hamburg phone exchange, you still need a franchise agreement to come into Boston for television service.

Larry Cobado: That is correct. Unfortunately, we have to conform to the laws we are regulated by and that includes respecting municipal boundaries regardless of technical capabilities.

Town Attorney Downey: I do appreciate you coming here tonight and when the time comes, we look forward to working with you on the franchise agreement. I have had a number of residents call me complaining as to why the town is not negotiating a contract. These residents stated that Time Warner representatives have influenced the Town Board to keep them out. Obviously we don't like being defamed like that and I would really appreciate it that you would make it clear to your representatives not to say things like that.

Larry Cobado: It isn't beneficial to the town or Verizon and certainly we are not here to malign any other service providers at this time. We are correcting those things internally. We are here representing Verizon and offer our sincere apologies for any misrepresentations in the past. Please feel free to direct those calls to us. We will certainly say the same thing when we talk to those people as we are saying now.

Supervisor Eagan: All we have ever asked is to correct your marketing people so that this does stop because this has become a real frustration to us and to those people in the Boston Community.

Councilman Pluta: I am the Town Board Liaison to cable and television and have had a very difficult time trying to reach you. Please leave your business card.

Maureen Rasp-Glose: I am the point of contact and the one who at some point when we are ready to sit down with you to have a formal meet and greet and we would tell you about the technology that we have.

Councilman Hawkins: So in the next 4-5 years you might contact us?

Maureen Rasp-Glose: You can contact us sooner when it comes to any kind of issues or questions because we don't want to put you into the position where people are thinking it's the Town of Boston that is preventing the residents from getting FIOS TV. We want to get it out to everyone, but Verizon is not ready yet.

Supervisor Eagan: I appreciate that you came here and made this statement because it's a lot easier now that we have it on the record because this will also appear in our minutes. Is there any chance to reinforce that with a letter to the Town Board at some point, basically what you have said tonight? This would really help solidify our position that we have been taking all along.

Maureen Rasp-Glose: Sure, we can also speak with any reporters here.

Supervisor Eagan asked Dave Dahl, reporter for the Hamburg Sun to speak with the Verizon Representatives before he leaves tonight.

A motion was made by Supervisor Eagan and seconded by Councilman Pluta to approve the Annual Audit for the Dog Control Officer.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Hawkins to approve the minutes of 01/21/09.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to adopt the 01/07/09 minutes with the following correction:

To insert the following statement before the motion to approve the annual appointments on page 4.

Supervisor Eagan: Just for the record there are two positions [Parks Superintendent and Town Planner] that are not noted here that will be addressed in the next 60 days.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Hawkins, upon review by the Town Board, that fund bills on the Abstract dated January 29, 2009, minus voucher #128 in the amount of \$71,867.51, for a new Abstract total of \$110,074.81 be paid.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilwoman Maghran to approve the Annual Report for the Town Justice.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and was seconded by Councilwoman Maghran upon the recommendation of the Planning Board to reappoint Richard Brox as Planning Consultant for 2009 with the requested increase.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilman Hawkins to approve the Transfer of Appropriations as follows:

GENERAL FUND:

FROM: ACCT.

Appropriations 960	75,328.00	
Estimated Revenues 510	35,934.00	
State Aide 3089	35,934.00	
Interest-BAN 9730.7	32,202.00	
Erosion & Flood 8745.4	40,000.00	
Drainage 8540.4	3,126.00	
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Total	111,262.00	111,262.00

TO: ACCT.

Appropriations A 960	111,262.00	
Town Board-Contractual	1010.4	107.00
Assessor-Contractual	1355.4	1,217.00
Engineering-Contractual	1440.4	67,916.00
Records Mgt-Per. Svc.	1460.1	1,157.00
Buildings-Per. Svc.	1620.1	353.00

Buildings-Equipment	1620.2	31,000.00
Dog Control-Per. Svc.	3510.1	228.00
Highway Admin-Contractual	5010.4	267.00
Publicity-Contractual	6410.4	269.00
Program for Aging-Equip.	6772.2	1,190.00
Program for Aging-Contractual	6772.4	701.00
Parks-Contractual	7110.4	5,590.00
Adult Recreation-Contractual	7620.4	12.00
Planning-Per. Svc.	8020.1	729.00
Community Beautification-Contr.	8510.4	219.00
Conservation-Per.Svc.	8710.1	91.00
Conservation-Contractual	8710.4	22.00
Unemployment Insurance	9050.8	194.00

Total 111,262.00 111,262.00

Motion Cont?d:

HIGHWAY FUND

FROM: Acct.

Appropriations 960 68,242.00

Snow Removal-Contractual 5142.4 34,121.00

Snow Removal-Other Gov?t-Contr. 5148.4 34,121.00

Total 68,242.00 68,242.00

TO: Acct.

Appropriations 960 68,242.00

General Repairs-Contractual 5110.4 61,260.00

Machinery-Contractual 5130.4 6,982.00

Total 68,242.00 68,242.00

five (5) Ayes Carried

The following proposals to digitize currently stored microfilm of Town Board Minutes, Building Permits, Burial Permits and Vital Statistics were received:

Company	Price
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HOV Services, Inc.	\$3,550
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Biel's Information Technology Systems	\$6,017
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ARDEM Incorporated	\$6,200
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A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins upon the recommendation of Town Clerk Shenk to award the contract to HOV Services, Inc. at a cost of \$3,550 and authorize him to sign the contract after review by Town Attorney Downey.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Supervisor Eagan to approve the Use of Facility Application for the Recreation Department, Summer Concerts every Tuesday in June and July and also August 4 and 11, 2009.

five (5) Ayes Carried

A motion was made by Supervisor Eagan and seconded by Councilwoman Maghran to approve the Use of Facility Application for the Summer Recreation Program, June 29, 2009 through August 7, 2009.

five (5) Ayes Carried

A motion was made by Councilman Pluta and seconded by Councilman Hawkins to approve the Use of Facility Application for St. John the Baptist Church for June 13, 2009.

five (5) Ayes Carried

A motion was made by Councilwoman Maghran and seconded by Supervisor Eagan to approve the Use of Facility Application for the Boston Democratic Club Annual Easter Egg Hunt for April 11, 2009.

five (5) Ayes Carried

Received and filed a monthly report from the Supervisor.

A motion was made by Supervisor Eagan and was seconded by Councilman Hawkins to authorize Town Clerk Shenk to include the town information insert with the taxes.

five (5) Ayes Carried

Town Clerk Shenk noted that a blood drive will be held on Tuesday, February 24, 2009, from 2:30 pm to 6:30 pm.

Town Clerk Shenk announced that the 2009 Town and County tax bills will be mailed on Friday, February 13th.

Highway Superintendent Telaak reported that he has spoken with Keith Kaszubik in regards to the snow plowing issue. He noted that they are in negotiations and hopefully can find a solution within the next few weeks.

Highway Superintendent Telaak noted that Omphalius Road had major snow drifting and on Sunday morning was down to one lane. He stated he contacted the Erie County Highway Department East Aurora Office and was told that the road could not be taken care of until Saturday. Highway Superintendent Telaak noted that Omphalius Road is very heavily travelled and was down to one lane on the blind grade. He felt for the safety of the residents travelling that road that he sent his crew to open the road. Highway Superintendent Telaak stated that he felt the County Highway didn't care. He stated that he is going to pursue being reimbursed by Erie County for this.

Councilman Hawkins reported that the tree west of the Hillcroft Road Bridge has been completely removed by Eastwood Industries. He noted that Erie County Soil and Water will begin removing trees from Eighteen Mile Creek on the Moran property on Back Creek Road.

A motion was made by Supervisor Eagan and seconded by Councilwoman Dobson to adjourn the meeting at 8:04 p.m.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK