

Town Board Minutes September 7, 2005

Present: Councilmen Brien M. Hopkins, Richard K. Hawkins, Karl J. Simmeth Jr., Dennis J. Mead, and Supervisor William A. Eagan.

Also Present: Highway Superintendent Telaak and Town Attorney Vacco.

Supervisor Eagan directed Town Clerk Shenk to send a letter to Steve & Cheryl McGirr inviting them to attend the September 19, 2005 agenda review to discuss their Special Permit for live entertainment.

A motion was made by Councilman Simmeth and seconded by Supervisor Eagan to adopt the minutes of the August 17, 2005 regular meeting.

five (5) Carried

A motion was made by Councilman Mead and seconded by Councilman Hawkins upon review by the Town Board that fund bills on the Abstract dated September 1, 2005 minus voucher # 655 in the amount of \$290.05 for a total of \$119,746.98 be paid.

five (5) Carried

A notice of claim received from National Fuel Gas Distribution Corporation was referred to Town Attorney Vacco for review and recommendation.

REQUESTS FROM THE FLOOR

Joseph Antos, 5554 Northside Drive: Has there been any action taken on my proposal for placing garbage at the pavement line in front of the owner's property.

Town Attorney Vacco: I met with Code Enforcement Officer Kramer and we are looking at a way to craft a local law so that the wording addresses what you've asked for.

Herbert Klein, 7690 Back Creek Road: Mr. Supervisor, last month you sent a letter on town stationery relative to the Library. Who did you send that to?

Supervisor Eagan: It was a town wide mailing.

Herbert Klein: At taxpayer's expense?

Supervisor Eagan: Yes. It was sent out on behalf of the Town Board.

Herbert Klein: Is there any reason I did not get one?

Supervisor Eagan: I don't know what to say about that.

Herbert Klein: At the Town Board meeting last month, you stated that the bidding for the New York State Police Barracks was filed. Did you file that bid?

Supervisor Eagan: Yes, in the name of the Town of Boston.

Herbert Klein: Under Town Law, can the supervisor file a bid on behalf of the town without approval of the Town Board?

Supervisor Eagan: In my opinion, the Town Board was aware of the fact that we had to submit the bid and it was my understanding there were no objections to that. Is it a matter of legality or a matter of interest in the State Police Barracks?

Herbert Klein: Can we, be made aware of what the bid was for?

Supervisor Eagan: That issue is part of a negotiated piece of contract and that does not come under the Foil legislation at this time.

Town Attorney Vacco: The opening of a sealed public bid would be opened to the public.

Supervisor Eagan: Bids were opened in Albany not here. The state police office was instructed by the state controllers office that they could no longer randomly pick developers for new construction. They have to go out to bid. Until we know what the results of that bidding was, I don't think it is fair to ask what that bid was at this time. I believe it was structured properly, and I had Mike Neumeister, who has handled a lot of our bonding and other issues with our water district run the numbers to see if they made sense. What ever it takes to get the state police barracks built in order for them to stay in Boston, I'll take those steps. If I sidestep with a foot out of bounce, I'll take that responsibility to do what I can to see that the new barracks is built in Boston.

Herbert Klein: It's been a good investment to the Town of Boston for the last 23 years. It just seems to me that Town Board members should be aware of what is being bid.

Supervisor Eagan: I received no objections from any board member here.

Supervisor Eagan asked if any board member questioned the bidding process when he told them he had to file the bid.

No objections noted from the Town Board.

Supervisor Eagan: I will take full responsibility that I acted in the best interest of Boston.

Received and filed a letter from Paul Speich resigning from the Conservation Advisory Council and the Planning Board.

A motion was made by Councilman Hawkins and seconded by Councilman Hopkins to accept the resignation of Paul Speich from the Planning Board and the Conservation Advisory Council.

five (5) Ayes Carried

DEPARTMENT ANNOUNCEMENTS/ACTIONS

Received and filed monthly reports from the Supervisor, Justice Court, Code Enforcement Officers, and Dog Control Officers.

Supervisor Eagan stated that he attended a brunch for Rural Transit where our volunteers from Boston were complimented for their outstanding volunteer work.

Supervisor Eagan wanted to alert everyone that football season has begun and encourages everyone to attend a Patriots game.

Supervisor Eagan stated that there would be an informal meeting regarding drainage issues in the Creekside Subdivision on Wednesday, September 14 at 7 pm.

A motion was made by Councilman Mead and seconded by Councilman Simmeth to accept the Town Clerk's report for August 2005.

five (5) Ayes Carried

Town Clerk Shenk announced that School tax bills would be mailed approximately on September 15, 2005.

Town Clerk Shenk also stated that he and Deputy Town Clerk Ellis met with Peter Archbold from PERMA in regards to the town's annual safety program review. We received 610 out of a possible 630 points. He stated that the town must attain 500 to maintain the highest discount possible for that portion of our Worker's Compensation bill.

Councilman Mead stated that he had attended a meeting with PERMA representatives also. He stated that downstairs in the town hall there is a new compartment that stores the town's deliberator. Deputy Town Clerk Ellis is working very hard with PERMA representatives to try to obtain a second defibrillator for use in the snack shack.

Councilman Mead stated that he had talked with the supervisor regarding the library letter and he felt that it was important that they as a board work together and that it did get mailed. He stated that he also did not receive a letter. He wanted to make clear that the Town Board are all on the same page as far as being able to keep the library in our town.

Councilman Mead noted that the Town Board has been working together on the plans for the trooper barracks and that we could know in as little as 48 hours who was awarded the bid. The important thing is that we work in conjunction with them as far as where it is located and that it does stay within the town.

Supervisor Eagan stated that the labels for that mailing were generated from the Assessor's tax role. Supervisor Eagan stated that he had checked with the Association of Town's Attorney, and because it came from the town, they didn't feel that there was any questionable legality on that expenditure.

Councilman Simmeth stated that he and Supervisor Eagan met with the library board. Councilman Simmeth read a letter from Michael Perley regarding the library and the promise of funds from their Association.

Town Clerk Shenk was instructed to send a letter to Mr. Perley inviting him to attend the next Agenda review meeting.

Councilman Hawkins agreed that the library issue is an important one. He stated that he would not ask the residents of Boston to support another library tax. He suggested that a user fee be implemented for residents outside of Boston to off set funds.

A motion was made by Supervisor Eagan and seconded by Councilman Hopkins to adjourn the meeting at 7:52 pm.

five (5) Ayes Carried

DAVID J. SHENK, TOWN CLERK