

TOWN OF CONCORD TOWN BOARD MEETING
7:00 p.m.

May 13, 2010

MEETING CALLED TO ORDER BY GARY A. EPPOLITO, SUPERVISOR.

PRESENT: GARY A. EPPOLITO, SUPERVISOR
JAMES M. KREZMIEN, COUNCILMAN
WILLIAM F. SNYDER, III, COUNCILMAN
PAUL F. SALZLER, COUNCILMAN
DEBORAH A. KING, COUNCILWOMAN

ALSO PRESENT: M. BETH BOLT, TOWN CLERK
MICHAEL BARONE, TOWN ATTY
DENNIS M. DAINS, HWY SUPT
GEORGE DONHAUSER VICKI WRIGHT
CAROLYN ROBINSON JESSIE OWEN
BARRY EDWARDS

INVOCATION DELIVERED BY TOWN CLERK BOLT.

PLEDGE TO THE FLAG LED BY HWY SUPT. DAINS.

ITEM #1. MRS. WRIGHT, SCHOOL SUPERINTENDENT, TO ADDRESS THE BOARD.

Mrs. Wright wanted to address the Board and the public on the pending vote for the school budget. She presented those in attendance with a print-out of a summary of the budget and the propositions. One proposition was to purchase 5 new buses and the other to maintain current bussing practice; i.e., transporting students who live within a 2 mile radius of the schools. If the budget vote failed and a contingent budget had to be put in place, it is policy that students within this radius would have to walk. It is a 3 mile radius for the high school. There would be no increase in the tax levy. Programs would be preserved and some new ones would be implemented. Questions were asked and answered. This is the third year that there has not been any increase in the budget. State aid was discussed. Administrative staff was reduced. Mrs. Wright discussed several areas where costs were cut. They have started an out of school suspension program to allow students who have long term suspensions have to come to school and be in the district office. They will be there a longer period of time. It keeps them in school and could produce revenue. Maybe other schools would join with them in this program. Mrs. Wright thanked the Board for allowing her to come and speak. The Board thanked her for her presentation.

ITEM #2 APPROVAL OF MINUTES

a) T/Bd Meeting – 4/8/2010 – Motion by Councilman Salzler, seconded by Councilman Krezmien, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

b) Bid Opening – 5/3/2010 – Gravel Bids - Motion by Councilwoman King, seconded by Councilman Krezmien, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

c) Bid Opening – 5/7/2010 – Craneridge Storm Repairs - Motion by Councilwoman King, seconded by Councilman Krezmien, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

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ITEM #3 PUBLIC COMMENT

No one wished to address the Board. Supervisor Eppolito noted that Laura Landers would not be here to review the audit. She may attend at a future date. There were no problems or concerns with the audit.

Motion by Councilman Krezmien, seconded by Councilwoman King, to close Public Comment. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #4 MONTHLY REPORTS

Motion by Councilman Snyder, seconded by Councilman Salzler, to approve the Monthly Reports, Items a-f. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

- a) Code Enforcement Officer/Building Inspector Report
- b) Dog Control Officer
- c) Nutrition Site Coordinator-March 2010
- d) Judge Frank – March 2010
- e) Judge Gibbin – April 2010
- f) Judge Gibbin – March 2010

g) Fire Department – Supt. Dains reviewed his written report with the Board.

Motion by Councilman Krezmien, seconded by Councilwoman King, to receive and file the report. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

h) Highway Superintendent Report - Hwy Supt Dains read his filed report. He noted that all the superintendents are writing to their legislators to get the state budget passed. The funds are needed to do the work that needs to be done.

1) Hwy Supt Dains had reviewed the gravel bids. They were as follows:

	Gernatt	McEwan Trucking	Waterman
Bank Run	\$6.10*	\$4.75	\$4.45
Screened Grvl			
1"	\$9.45**	\$7.00	\$6.75
2"	\$7.15*	\$5.50	\$5.00
3"	\$7.15*	No Bid	\$5.00
4"	No Bid	No Bid	\$5.00
Oversize Rock-No more than 10% less than 2" on			
2" to -8"	\$8.70*	\$8.00	\$7.50
8" & up	\$49.00*	No Bid	\$55.00
Crusher Run-2	\$7.90*	No Bid	\$8.00
2"C/R Gravel H.H.	\$9.45*		\$10.50
Screened Top			
Soil	\$19.45***	\$21.50	\$19.00
Unscreened			
Top Soil	\$13.65**	No Bid	\$14.50
Screened Stone	No Bid	No Bid	No Bid

NOTE: McCarthy Gravel Bid - Bank Run Gravel - \$3.90/ton
Unscreened Topsoil - \$15.00/ton

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All prices are F.O.B. with the purchaser or his subsidiaries supplying all equipment and manpower needed to load said material. McCarthy Gravel will provide scale and weigh master. Purchaser to maintain roadway-entrance and exit, which includes removal of any debris, mud, or material.

Gernatt's -*Priced at Middle Rd.Pit
**Priced at Springville Plant
*** Priced at Collins Plant

Note: Add \$2.00/ton for delivery to town highway garage.

McEwan Trucking - Other bids were:

Sand-\$4.75	Compactable Fill - \$4.00
1" Stone-\$8.25	Screened Dirt Fill-\$5.00
2" Stone-\$8.25	Gravel Fill-\$3.25
#1 & 2 Stone -\$7.75	Sel.Str.Backfill - \$4.25
Compactable Fill-\$4.00	Fill-\$2.25
Dirt Fill-\$3.00	1 & 2 Stone - \$7.75

(Prices subject to change without notice.)

Waterman's Gravel - Add \$2.50 per ton for gravel delivered to Concord Town Highway Barn.
All prices per ton. All bids included signed non-collusion statements.

Supt. Dains was recommending the following:

Waterman Gravel Products – Bank Run Gravel @ \$4.45/ton
Screened Gravel – 1 in @ \$6.75/ton
2 in @ \$5.00/ton
3 in @ \$5.00/ton
4 in @ \$5.00/ton
Oversize Rock - 2 in to -8 in @ \$7.50/ton
Screened Topsoil @ \$19.00/ton

Gernatt Gravel Products - Oversize Rock – 8 in & up @ \$49.00/ton
Crusher Run Gravel -2 in @ \$7.90/ton
-2 in Hard Heads @ \$9.45/ton
Unscreened Topsoil @ \$13.65/ton

Note: McCarthy Gravel bid is rejected based on no equipment on site to load material onto town trucks.

Motion by Councilman Krezmien, seconded by Councilwoman King, to award the gravel bids as listed above, as recommended by the highway superintendent.

2) Supt. Dains had been asked by the Springville Volunteer Fire Company to use the town asphalt roller to roll the lawns at the firemen's park. Supt. Dains noted that he has done this in the past and volunteers his time. The highway department has helped East Concord Fire Company and would Mortons Corners, if asked, with equipment. Motion by Councilman Krezmien, seconded by Councilwoman King, to authorize the use of the town asphalt roller to roll the lawns at the firemen's park. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

3) Supt. Dains informed the Board that there had been 3 meetings on the new snow plowing contract with Erie County. Another one is scheduled. They are looking at a 5-5 ½% increase every year for 3 years. Comparisons have been done on costs to the towns and will be given to the legislature for their consideration. The committee feels it is a fair request. Discussion ensued.

4) Councilman Krezmien asked if anyone knew what was going on with the sink hole on South Buffalo St. Supervisor Eppolito noted that he had heard that the County of Erie had monies for this project and the Corp of Engineers. The village has to agree with the County and there seems to be a problem with that. There is funding there

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Councilman Krezmien stated that something needs to be done. Erosion is taking place. Hopefully, stabilization behind the waste treatment plant needs to be taken care of soon.

Motion by Councilman Krezmien, seconded by Councilman Salzler, to receive and file his report. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

ITEM #5 NEW BUSINESS

a) Audit of the Bills. Supervisor Eppolito stated that these bills were audited by Councilwoman King, and reviewed by the Board.

General Fund A, abstract 5, bills 404-487
General Fund B, abstract 5, bills 488-497
Library Fund, abstract 5, bills 498-502
Fire Protection, abstract 5, bills 503-505
Joint Van, abstract 5, bills 506-510
Joint Youth, abstract 5, bills 511-513
Craneridge Lighting, abstract 5, bill 514
Craneridge Sewer, abstract 5, bills 515-521
Highway DA, abstract 5, NONE
Highway DB, abstract 5, bills 522-540
Kissing Bridge Water, abstract 5, bill 541
Kissing Bridge Sewer, abstract 5, bill 542
Trevett Rd. Water, abstract 5, bill 543
Trust & Agency, abstract 5, bills 544-547
Capital, abstract 5, NONE

Motion by Councilwoman King, seconded by Councilman Salzler, to approve the bills as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

b) Court Clerk Position – Supervisor Eppolito explained that the court clerks are listed, under civil service, to work only 19 hours a week. One cannot work the full 19 hours due to another job. The other clerk is agreeable to picking up some of her hours, but that would put her over the 19 hours/week. County Personnel Department needs to be notified of this and ask for their approval of this position, but it will not change the budget. Each judge is entitled to a court clerk, according to the law. If a second clerk would have to be hired for that judge, it would have to go to civil service. They have been told not to go over budget. Discussion. Motion by Councilman Krezmien, seconded by Councilman Salzler, to create the position of confidential court clerk for over 19 hours a week. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

c) Town Clerk to Report on Dog Licenses - Supervisor Eppolito asked the town clerk to explain. Clerk Bolt informed the Board that New York State wanted to get out of the dog licensing due to budgetary restraints. If the budget passes, so does a new law to have the towns take over the licensing. Also, attached onto that bill is that dog owners have to take an obedience class and microchip their dogs before they can be licensed. These are hopefully going to be removed before it passes. The state clerk's association and county clerks association are both looking into this. Committees have been formed to help towns accomplish this. A new law would have to be adopted by the town, determination on fees, have rabies clinics, have purebred licenses, and additional costs to the town. These would be tag purchases, envelopes, postage, and software specifically for this, designing forms and additional help for the clerk's office. This should not be any additional responsibilities for the dog control officer, but would mean more work in the clerk's office. The towns would be able to retain the monies sent to the state and the county now. This is something that will take time to implement.

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Councilman Krezmien felt that it was the state's responsibility not the towns. More discussion. Clerk Bolt will keep the Board informed. Supervisor Eppolito asked her and Councilwoman King to work on a committee for the town.

d) Craneridge Sewer Bids - Supervisor Eppolito had received the information from Mark Alianello, PE. He had made copies for the Board. The bids had been opened as follows:

D & H Excavating, Inc.	-	\$296,105.00
Buffalo Creek Inc.	-	\$211,000.00
Gardenville Landscape & Nursery, LLC	-	\$214,607.09

All bids included bid bonds and signed non-collusion statements. Mr. Alianello had reviewed the bids and was recommending Buffalo Creek Inc. be awarded the bid. Motion by Councilman Salzler, seconded by Councilman Snyder, to award the bid to Buffalo Creek Inc. in the amount of \$ 211,000.00. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

ITEM #6 OLD BUSINESS

a) Supervisor Eppolito informed the Board that Sahlem's Roofing Co. would be starting the roofs for the library and the town hall shortly. They feel that the job would take 2 days beginning on a Wednesday. They did recommend that insulation be blown into the town hall attic. Supervisor Eppolito would ask for this in the 2011 budget. Town Clerk Bolt asked about the gutters by her office. It leaks and her wall is disintegrating. Supervisor Eppolito stated that they will be putting up regular gutters, not stainless steel. This should fix her problem.

ITEM #7 CONSENT AGENDA

Motion by Councilman Krezmien, seconded by Councilwoman King to receive and file the Consent Agenda, Item a. Councilwoman King; Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

a. Concord Crest Golf Course – Liquor License.

ITEM #9. COUNCILMAN NOTES

a) Councilman Snyder would be starting a petition to the Public Service Commission because he lost power again at his home. Supervisor Eppolito stated that he has contacted NYSEG on this also. He was told the problem was that they did not have the money for tree trimming and that property owners would not let them on their property. Supt. Dains stated that NYSEG has been doing some tree trimming on Belscher Road. They have been marking the trees that have to come down. Supervisor Eppolito will help him with this.

b) Councilman Snyder noted that the roads that the snowmobilers use are getting to be in bad shape. Supt. Dains stated that it has been discussed at meetings and the county representative is going to the legislature to have them do something with the snowmobile clubs. They have had it. Genesee, Sharp St., Transit Line Rd. are all county roads. Supt. Dains stated that it costs the towns money to fix the shoulders and the snowmobile clubs are funded through parks and recreation with money through the registrations. Why could they not have the county and the towns receive some of this. The highway association is working with a county representative for this.

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c) Councilman Snyder noted that the West Valley cleanup has made a final decision on it. Within 10 years, it should be cleaned up and they are doing studies to work toward Phase 2. Progress is being made.

d) Supervisor Eppolito had asked Councilman Snyder to review information he had received on a cooperative with reduced rates for gas. He had looked into it and would not recommend it. There are other companies out there. You would be locked in and if the market fluctuated, and the price would be less, the town could not take advantage of it.

e) Councilwoman King asked the status of the North Buffalo Street corner light. Supervisor Eppolito noted that he has sent letters and he has heard nothing back yet. Councilman Krezmien has brought this up before. Supervisor Eppolito will contact Leg. John Mills again.

f) Councilwoman King had attended the government conference at Houghton. She attended the session on consolidation and most are against it and felt that it should not be anything that is rushed through. There are so many questions that have to be answered, and should be answered, before any decision would be made.

g) Councilman Krezmien asked about the trees being marked in the town park. Supervisor Eppolito had spoken with the parks superintendent and he would be working with the company. Councilman Krezmien also asked about the dugouts and the fencing. Supervisor Eppolito noted that this has to be started. Baseballs are being found all over the park and interfering with the mowing. Also abuse in the bathrooms. Supt. Dains noted that the lines had frozen with the water being turned on. Supervisor Eppolito will be sending a letter to SYI about these things. Councilman Krezmien also asked if we were at the end of the lighting contract. Supervisor Eppolito said yes, it is coming up. The contract would have to be reviewed again. Councilman Salzler noted that it is \$50 per light fee to the school and SYI. The lights were turned on in April and he felt that it should not start until May. Discussion ensued.

h) Supervisor Eppolito informed the Board that he needed a bingo inspector, a Board of Assessment Review member and a Zoning Board of Appeals member. Mr. Young had resigned and Mr. Fancher had passed away. If anyone had any names, please contact him. Discussion on raising the per visit stipend for the bingo inspector. There is only one organization that plays bingo.

i) Supervisor Eppolito noted that at the Houghton Conference they had discussed comptroller audits. We have not had one in years. Laura Landers informed him that the town's audits are clean. There are no problems.

j) Supervisor Eppolito informed the Board that there have been changes to the retirement law. If your term starts, you have to keep a record for 150 days – elected and appointed-and then filed with the supervisor and the clerk. A resolution will have to be adopted next month.

k) Supervisor Eppolito asked about the cancer relay. Councilwoman King is working on it. It is her graduation day at BOCES so she will need help. Clerk Bolt will work with her on this.

l) Supervisor Eppolito informed the Board that he will need the Board to help judge the Dairy Festival parade. It will be June 5th.

ITEM #8. EXECUTIVE SESSION

Motion by Councilman Krezmien, seconded by Councilwoman King, to go into executive session at 8:20 p.m. to discuss pending litigation. Councilwoman King; Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

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Motion by Councilwoman King, seconded by Councilman Krezmien, to come out of executive session at 8:45 p.m. No action was taken. Councilwoman King; Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #10. MOTION TO ADJOURN

Motion by Councilman Salzler, seconded by Councilman Snyder, passed unanimously, to adjourn the meeting at 8:48 p.m. in memory of:

Richard J. Fancher
Edward H. Lux
John W. Domin
Bernice M. Kurtzworth
Mark Gibbin
Guy A. Griswold
Irene Weismantel
Esther Lipoff

M. Beth Bolt