

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: MARY E. BOLT, TOWN CLERK
MICHAEL BARONE, TOWN ATTY
DENNIS DAINS, HIGHWAY SUPT.
GEORGE DONHAUSER
DONNA KRZES
CHRIS PROCTOR

INVOCATION DELIVERED BY TOWN CLERK BOLT.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

ITEM #1. APPROVAL OF MINUTES

a) T/Bd Meeting – 7/14/2011 – Motion by Councilman Snyder, seconded by Councilman Salzler, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #2. PUBLIC COMMENT

a) Mr. Donhauser had spoken with the CEO about a nasty sign on Trevett Rd and Route 39 regarding a business no longer operating. It was to be taken down by the weekend and Mr. Donhauser felt it should be down sooner. Supervisor Eppolito noted that the CEO was told that it would be done as soon as possible.

b) Mr. Donhauser also wondered about the new sign for Maplewood Cemetery when the town had just given them funds. Councilman Krezmien noted that, when the directors of the cemetery had come to the Board, they mentioned that they had already ordered one. The Board could not say if monies were already designated for a sign but it had been ordered before.

c) Supervisor Eppolito noted that he wanted to compliment the Planning Board on their intention to start to revise the Code. There are sections that needed to be reviewed.

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

ITEM #3. MONTHLY REPORTS

Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the Monthly Reports, Items a-d. 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 Report – July 2011

d) Supervisor Report – June 2011

e) Fire Department – Chief Dains informed the Board on the radio purchase for

August 11, 2011

the new system. They were hoping to have it up and running by the end of October. The dictaphone has been ordered and a session is being set up for training.

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

f) Highway Superintendent Report - Hwy Supt Dains had presented a written report to the Board. He reviewed this with the Board. Supt. Dains wanted the Board to know that Scoby Hill Road is still not where he will accept the turnover of the road. He had been in contact with the state DOT listing his concerns. Mr. Alianello, PE, had reviewed this, too.

1) Supt. Dains had surplus equipment that he wanted to sell. He wanted to list them with Auctions International, but the Board had to declare them surplus. Motion by Councilman Krezmien, seconded by Councilwoman King, to declare the following surplus and to allow the highway superintendent to put these for sale with Auctions International:

- 1) Truck #14 2001 International Dump
- 2) Asphalt Paver
- 3) Brush Hog 3 point hitch angle blade
- 4) 1989 Ford Bucket Truck (After receipt of the replacement truck from the Village of Springville is received – around September.)

Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

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

ITEM #4. NEW BUSINESS

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

General Fund A, abstract 8, bills 861-916 & 987-988
General Fund B, abstract 8, bills 917-932 & 989
Library Fund, abstract 8, bills 933-937
Fire Protection, abstract 8, NONE
Joint Van, abstract 8, bills 938-941
Joint Youth, abstract 8, bills 942-943
Craneridge Lighting, abstract 8, bills 944-945
Craneridge Sewer, abstract 8, bills 946-956
Highway DA, abstract 8, bill 957
Highway DB, abstract 8, bills 958-974 & 990-992
Kissing Bridge Water, abstract 8, bills 975-976
Kissing Bridge Sewer, abstract 8, bills 977-978
Trevett Rd. Water, abstract 8, bills 979-980
Trust & Agency, abstract 8, bills 981-986
Capital, abstract 8, NONE

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

b) **County of Erie-Dept. of Emergency Services** - Supervisor Eppolito informed the Board that he had received a letter from Erie County Department of Emergency Services regarding updating the 2005 multi-jurisdictional hazard mitigation plan. He explained that agreeing to participate in this plan enables us to apply for FEMA and other disaster funds that would be available. Motion by Councilman Krezmien, seconded by Councilman Salzler, to authorize the Supervisor to sign the opt in participation for the first update of the Erie County Multi-Jurisdictional Hazard Mitigation Plan. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

August 11, 2011

c) **Land Purchase – SEQR**– Supervisor Eppolito informed the Board that the SEQR needed to be adopted. The town is the lead agency with a negative declaration. This had been reviewed by Mr. Alianello, engineer and the town attorney. Councilwoman King moved the adoption of Resolution 18, seconded by Councilman Krezmien:

BE IT RESOLVED, That the Town Board of the Town of Concord hereby names the Town as lead agency for the land purchase on Waverly Street in the Village of Springville.

Voting as follows:

Councilwoman King	Aye
Councilman Krezmien	Aye
Councilman Salzler	Aye
Councilman Snyder	Aye
Supervisor Eppolito	Aye

1) Councilman Krezmien moved the adoption of Resolution 19, seconded by Councilman Salzler:

WHEREAS, Mr. Mark Alianello, P.E., engineer for the Town of Concord and Mr. Michael Barone, town attorney, have reviewed the SEQR application and found it to be a negative declaration

BE IT RESOLVED, That the Town Board of the Town of Concord does hereby accept the SEQR negative declaration.

Voting as follows:

Councilwoman King	Aye
Councilman Krezmien	Aye
Councilman Salzler	Aye
Councilman Snyder	Aye
Supervisor Eppolito	Aye

2) Bond Resolution – Supervisor Eppolito had received the paperwork from the bond counsel on the proposed land purchase. It was reviewed by the Board. Councilman Krezmien moved the adoption of Resolution 20, seconded by Councilman Salzler:

A BOND RESOLUTION, DATED **AUGUST 11, 2011**, OF THE TOWN BOARD OF THE TOWN OF CONCORD, ERIE COUNTY, NEW YORK (THE “TOWN”), AUTHORIZING THE ACQUISITION OF LAND FOR USE BY THE TOWN, AT AN ESTIMATED MAXIMUM COST OF \$100,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$100,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Concord, in the County of Erie, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire approximately 5.36 acres of vacant land located at Waverly and Commerce Drive (SBL# 335.18-2-23.112) for use by the Town including any preliminary costs and costs incidental thereto (the “Purpose”). The estimated maximum cost of the Purpose is \$100,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Purpose by the issuance of serial bonds in an amount not to exceed \$100,000 of the Town, hereby authorized to be issued therefor pursuant to the Local Finance Law, offset by any federal, state, county and/or local funds received. Unless paid from other sources, there shall annually be

August 11, 2011

levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 3. It is hereby determined that the Purpose is an object or purpose described in subdivision 21(a) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is 30 years; however, the bonds issued pursuant to this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five years from the date of original issuance of such bonds or notes.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of such bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Unless paid from other sources, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of such notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of such bonds, and the renewals of such notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse any such expenditures (to the extent made after the date hereof or within 60 days prior to the date hereof) with the proceeds of the bonds authorized by Section 2 of this resolution (or with the proceeds of any bond anticipation notes issued in anticipation of the sale of such bonds). This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 2 hereof with such bond or note proceeds, as required by United States Treasury Regulations Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the

New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under the State Environmental Quality Review Act is necessary.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

1. (a) such obligations were authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) if the provisions of the law which should be complied with at the date of publication of this notice were not substantially complied with, and

an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

2. such obligations were authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 14. This Resolution is effective immediately.

Voting as follows:

Councilwoman King	Aye
Councilman Krezmien	Aye
Councilman Salzler	Aye
Councilman Snyder	Aye
Supervisor Eppolito	Aye

d) Set work sessions – 2012 Budget – Supervisor Eppolito asked the Board for dates to schedule the work sessions on the budget. It was decided for August 29th and September 6th at 6 pm.

e) NYS Retirement System- Supervisor Eppolito noted that the state auditor was requesting another resolution on the standard workday for the town with each official/employee listed individually. Councilman Snyder moved the adoption of Resolution 21, seconded by Councilwoman King:

WHEREAS, the Town of Concord is to set the standard hours to be used to calculate the days earned under the NYS Retirement System,

WHEREAS, the Town of Concord has both full time and part time employees,

WHEREAS, the following positions are under the 8 hour work day

- Highway Superintendent
- Highway Crew Chief
- Highway Motor Equipment Operator
- Highway Seasonal Employees

WHEREAS, the following positions are under the 7 hour work day

- Bookkeeper to the Supervisor
- Assessment Clerk
- Town Clerk
- Deputy Town Clerk

August 11, 2011

WHEREAS, the following positions are under the 6 hour work day

Town Councilman
Town Justice
Court Clerk
Court Officer
Supervisor
Deputy Town Supervisor
Sole Assessor
Real Property Appraiser
Town Attorney
Town Prosecutor
Natural Disaster Services Coordinator
Dog Control Officer
Recreation Attendant
Town Historian
Code Enforcement Officer
CEO Clerk
Members, Town Planning Board
Going Places Van Drivers
Seasonal Youth Incorporated Employees

NOW BE IT RESOLVED, That the Town of Concord, Town Board does hereby elect to use the above formula of hours per day for those positions to calculate days earned for the NYS Retirement System.

Voting as follows:

Councilwoman King	Aye
Councilman Krezmien	Aye
Councilman Salzler	Aye
Councilman Snyder	Aye
Supervisor Eppolito	Aye

ITEM #5. OLD BUSINESS

a) **Library Board Appointments**- Supervisor Eppolito informed the Board that there were two Library Board re-appointments. Motion by Councilman Snyder, seconded by Councilman Krezmien, to re-appoint Thomas Virginia and Janet Baker to a 5-year term on the Library Board. Councilwoman King, Councilmen Krezmien, Salzler & Snyder & Supervisor Eppolito, voting aye. Carried.

b) **BAR Appointment** – Supervisor Eppolito noted that Lori Davie needed to be re-appointed to the Board of Assessment Review. Motion by Councilman Krezmien, seconded by Councilwoman King, to re-appoint Lori Davie to the Board of Assessment Review for a 5-year term. Councilwoman King, Councilmen Krezmien, Salzler & Snyder & Supervisor Eppolito, voting aye. Carried.

ITEM #6. CONSENT AGENDA

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

- a) Southtowns Planning & Development Group 4/25/11 minutes
- b) Southtowns Planning & Development Group 7/12/11 minutes
- c) Control Center 7/7/11 minutes
- d) Control Center 7/21/11 minutes
- e) Sprague Brook Park Dam #1
- f) WNY Regional Economic Development Council
- g) Spr. Dairy-Ag Festival Financial report

August 11, 2011

ITEM #7. EXECUTIVE SESSION

Motion by Councilwoman King, seconded by Councilman Krezmien, to go into an executive session at 7:51 p.m. to discuss union negotiations. Councilwoman King, Councilmen Krezmien, Salzler & Snyder & Supervisor Eppolito, voting aye. Carried.

Motion by Councilwoman King, seconded by Councilman Salzler, to come out of executive session at 8:05 p.m. Councilwoman King, Councilmen Krezmien, Salzler & Snyder & Supervisor Eppolito, voting aye. Carried.

ITEM #8. COUNCILMAN NOTES

a) Town Clerk Bolt had been asked by Annette Gernatt, Librarian, to thank the Board for all their help with the fundraising hot dog event. She had wanted to get a note to them but asked that Clerk Bolt pass along her thanks! Mrs. Gernatt will use the funds for children programming with over \$900 raised.

1) Supervisor Eppolito noted that the county executive wanted to form a special legislative district public library. The Association of Erie County Governments was going on record opposing this. The Board agreed.

b) Councilman Krezmien noted that he and Councilman Salzler had attended the Boys & Girls information meeting. They are hoping to have the building ready for October. Right now, someone is matching donations up to \$25,000.00. They are also selling bricks/tiles in memory or honor of. This by August 29th.

c) Supervisor Eppolito noted that the town will be celebrating its Bicentennial next year. He is working with Dave Batterson, Historian, on a series of activities throughout the year. Anyone wishing to be on the committee, contact him.

d) Supervisor Eppolito is planning on scheduling an insurance meeting with our consultant. They have just sent notices of increases.

e) Supervisor Eppolito had learned that Orchard Park has found a memorial flag for 9/11. He would like to fly one here. He will contact them for information.

f) Mr. Donhauser asked the town attorney about the mining permit for the Wendel pit. It is being reclaimed and he thought according to the Code, a permit should be filed. Tn Attorney Barone had contacted the DEC and they do not require a permit. He thought the town followed what the DEC does. Mr. Donhauser also asked about the Gernatt Middle Road pit. The supervisor will contact the DEC.

g) Supervisor Eppolito noted that the CEO will be monitoring the Kephart property. It was noted that Mr. Kephart is looking into appealing the Zoning Board of Appeals decision.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Salzler, seconded by Councilwoman King, passed unanimously, to adjourn the meeting at 8:23 p.m. in memory of:

Milfred R. Hebdon
Rose Sebzda
Gilbert Dearborn
Jeff Smith

M. Beth Bolt

