

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

April 8, 2010

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

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

EXCUSED: WILLIAM F. SNYDER, III, COUNCILMAN

ALSO PRESENT: M. BETH BOLT, TOWN CLERK
DENNIS M. DAINS, HWY SUPT
MICHAEL F. BARONE, TN ATTN

GEORGE DONHAUSER MARGE GASKE
BARRY EDWARDS CAROLYN ROBINSON
TIMOTHY TURNER JESSIE OWEN

INVOCATION DELIVERED BY TOWN CLERK BOLT.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

ITEM #1. APPROVAL OF MINUTES

a) Bid Opening Re: Town Hall & Library Roofs – 3/5/2010 - Motion by Councilman Krezmien, seconded by Councilman Salzler to approve the minutes as presented. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

b) Bid Opening Re: Fuel Bid – 3/8/2010 – Motion by Councilman Salzler, seconded by Councilwoman King, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

c) Public Hearing – Town Park Rules – 3/11/2010 – Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

d) Tn/Bd Meeting - 3/11/2010 – Motion by Councilwoman King, seconded by Councilman Krezmien, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

e) Special Tn/Bd Meeting – Re: Kissing Bridge Maintenance – 3/26/2010 – Motion by Councilwoman King, seconded by Councilman Salzler, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

ITEM #2. PUBLIC COMMENT

Supervisor Eppolito stated that at this point he will open the Public Comment period. It is a chance to address the Board on issues that are not on the agenda. He asks that you keep it to three minutes or so and that you address the entire Board, not individual Board members, and everybody speaks just once if you would. So, is anyone here to address the Board on anything that is not on the agenda.

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a) Carolyn Robinson addressed the Board. She wanted to ask the Board to lower the speed limit on Trevett Road to 45 mph. There are new homes in the area and the other end of the road is 45 mph. This would be from Genesee Road to Route 39. Discussion by the Board. He would bring this up under New Business. Mrs. Robinson thanked the Board.

b) Mr. Donhauser asked the Board about the Crown Castle replacement tower. He had heard a rumor about this and there were stakes put up. Supervisor Eppolito thought that it was repairing, not replacing. Mr. Donhauser heard that they wanted to replace it. Town Clerk Bolt stated that the paperwork she had seen said build and put the equipment on the new one. Supervisor Eppolito thought it was not to change in size. The CEO had felt that it was a repair, not replacement. Tn. Attn. Barone stated that even if it was a replacement, it is exempt according to our law. No building fee is required. Mr. Donhauser asked what if it was in a different location. Tn. Attn. Barone and Supervisor Eppolito stated that it would change things. Mr. Donhauser stated that there is a stake and test hole 30-40 feet away from the old tower. Tn. Attn. Barone stated that he will have to check the code then. Mr. Donhauser thought that if a new tower was built, wouldn't that have to abide by the new code? Tn. Attn. Barone agreed but the telecommunications law does not have anything on building permits. He would have to go to the building permit chapter of the code to review that. Councilman Krezmien asked how we would know what it is if not checked out by the CEO. Supervisor Eppolito stated that the CEO will have to check it out. Discussion. Tn. Attn. Barone thought that another application should be made by a special use permit or an amendment to the existing one. Nothing has been filed to date. Supervisor Eppolito will review this with the CEO.

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

ITEM #3. MONTHLY REPORTS

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

a) Code Enforcement Officer/Building Inspector Report

b) Dog Control Officer – DCO Robinson asked that the census notice be published. Town Clerk Bolt will do this.

DCO Robinson also informed the Board that she had held a dog for 5 days and then taken to the SPCA. It was put away by them. The owner called looking for the dog 10 days later. The owner was not upset with her or the town, but the SPCA.

c) Nutrition Site Coordinator - February 2010

d) Judge Gibbin – February 2010

e) Supervisor Report – January 2010

f) Supervisor Report – February 2010

g) Fire Department - Hwy Supt Dains read his fire department report.

Motion by Councilman Krezmien, seconded by Councilman Salzler, to approve the fire department report. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

ITEM #2 – c- Ms. Marge Gaske just arrived and wanted to address the Board. She is asking to be appointed as the Voluntary Coordinator for Community Service. She would be assisting those individuals who are to do community service assigned by the justice courts. The Board was not aware of any such position. After further discussion, Supervisor Eppolito and the town attn. will review this with the justices and get back to her.

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g) Hwy Supt Dains read his filed report. He thanked his department for all their hard work during the winter season.

1) Supt. Dains asked the Board to direct the town clerk to advertise for gravel bids. Motion by Councilman Salzler, seconded by Councilwoman King, to direct the town clerk to advertise for gravel bids. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

2) Supt. Dains asked the Board for permission to advertise for college students for summer employment. Motion by Councilman Salzler, seconded by Councilwoman King, to direct the town clerk to advertise for summer employment for the highway department. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

Supervisor Eppolito wanted to thank Supt. Dains for all his hard work on FEMA paperwork.

Motion by Councilman Krezmien, seconded by Councilman Salzler, to receive and file his report. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. 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 4, bills 278-343 & 400-402
- General Fund B, abstract 4, bills 344-347
- Library Fund, abstract 4, bill 348-351
- Fire Protection, abstract 4, bill 352-354
- Joint Van, abstract 4, bills 355-357
- Joint Youth, abstract 4, bills 358-360
- Craneridge Lighting, abstract 4, bill 361
- Craneridge Sewer, abstract 4, bills 362-369 & 403
- Highway DA, abstract 4, NONE
- Highway DB, abstract 4, bills 370-392
- Kissing Bridge Water, abstract 4, bill 393
- Kissing Bridge Sewer, abstract 4, bill 394-397
- Trevett Rd. Water, abstract 4, bill 398
- Trust & Agency, abstract 4, bill 399
- Capital, abstract 4, NONE

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

b) Award Trash Pickup Bid –

NuWay Sanitation	-	Spring Bid A	- \$16,500.00
		Bid B	- \$15,500.00
		Fall Bid A	- \$5,000.00
Bank Money Order for \$1,075.00 attached			

Allied Waste Services	-	Spring	Bid A - No Bid
			Bid B - No Bid
		Fall	Bid A - No Bid

Waste Management	-	Spring	Bid A - \$12,944.00
			Bid B - \$11,440.00
		Fall	Bid A - \$11,440.00

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Bond was included. All bids had signed non-collusion statements.

Motion by Councilman Krezmien, seconded by Councilman Salzler, to award Waste Management the spring pickup Bid A. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

Motion by Councilman Krezmien, seconded by Councilwoman King, to award NuWay Sanitation the fall pickup Bid A. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

c) Award Mowing Bid – Supervisor Eppolito explained to the Board that only one bid had been received. As it is under the \$1,000 limit, he felt that it could be done with Request for Proposal. Councilman Krezmien moved to throw the bid out for lack of suitable bidders and authorize the supervisor to do a Request for Proposal for the Spaulding Cemetery, seconded by Councilman Salzler. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

i) Natural Resources Conservation Service Project Agreement – Supervisor Eppolito explained that he had received the actual contract and replaced the tentative one already sent to the Board. The project cost would be \$181,690, but the town will absorb the engineering costs and doing any trucking of gravel. The easement from Mrs. Dunn expires the end of June so this needs to be approved and the work started. Motion by Councilman Krezmien, seconded by Councilman Salzler, to accept the project agreement for the Kissing Bridge site and authorizing the Supervisor to sign said agreement and all related contracts. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

e) Dream Katchers - Use of Town Hall – Town Clerk Bolt had received a letter requesting use of the town hall for a karaoke night for the challenged individuals in the area. They were also requesting to waive the fee. It would be May 22nd from 6-8 pm. Town Clerk Bolt brought this before the Board as they are using the hall more and more and the Board had only approved the first two uses. There have been no problems. They would also like to use the hall for a Halloween party. Discussion. Motion by Councilwoman King, seconded by Councilman Salzler, to waive the fee this time, but in the future the fee may be reinstated. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

f) Municipal Clerk's Week – May 2-8, 2010 – Supervisor Eppolito read the following Resolution: Councilman Krezmien moved the adoption of Resolution 12, seconded by Councilwoman King:

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of the local government exists throughout the world, and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS, the Municipal Clerk is the information center on functions of local government and community, and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in educational programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations, and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk

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NOW, THEREFORE, the Concord Town Board recognizes the week of May 2nd through May 8th, 2010, as **Municipal Clerk's Week**, and further extends appreciation to our Municipal Clerk, **Mary E. Bolt**, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Voting as follows:

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

1) Councilman Krezmien moved the adoption of Resolution 13, seconded by Councilwoman King:

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of the local government exists throughout the world, and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS, the Municipal Clerk is the information center on functions of local government and community, and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in educational programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations, and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk

NOW, THEREFORE, the Concord Town Board recognizes the week of May 2nd through May 8th, 2010, as **Municipal Clerk's Week**, and further extends appreciation to our Deputy Municipal Clerk, **Darlene G. Schweikert**, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Voting as follows:

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

g) Authorize Town Clerk to Advertise for Craneridge Sewer Bids - Supervisor Eppolito explained the problems with the sewer system in Craneridge. He would like to open them May 7th. The scope is more than FEMA had allowed. He and Supt. Dains have been in negotiations to allow for more funding. Motion by Councilman Krezmien, seconded by Councilman Salzler, to direct the town clerk to advertise for the Craneridge Sewer Bids. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

h) Cattaraugus Street Water Resolution – Supervisor Eppolito explained that a Resolution was now needed to continue towards the Cattaraugus Street Water District. Councilman Krezmien moved the adoption of Resolution 14, seconded by Councilwoman King:

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WHEREAS, The Town Board of the Town of Concord plans construction of the Cattaraugus Street Water District, and

WHEREAS, The Town does not have sufficient funds on hand to pay for all the construction of the Cattaraugus Street Water District, and

WHEREAS, This project may be eligible for federal government funding through the USDA/Rural Development to construct the Cattaraugus Street Water District, and

WHEREAS, It is in the interest of the public to obtain low interest loans and/or grants for the construction of the Cattaraugus Street Water District

NOW, THEREFORE BE IT

RESOLVED, That the Supervisor and Deputy Supervisor of the Town of Concord is authorized to cause an application to be prepared to obtain funding from USDA/Rural Development, and

BE IT FURTHER RESOLVED, That the Supervisor and Deputy Supervisor be authorized to execute all application documents and forms required to determine funding eligibility and to obtain specific funding for the project from USDA/Rural Development.

Voting as follows:

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

i) Trevett Road Speed Limit Resolution – Supervisor Eppolito asked for a resolution to request a speed limit reduction on Trevett Road from Genesee Road to Route 39. Councilwoman King moved the adoption of Resolution 15, seconded by Councilman Salzler:

WHEREAS, Trevett Road is a County Road, and

WHEREAS, There have been numerous accidents with the many curves and dips in the road, and

WHEREAS, Many new homes have been built in the area, and

WHEREAS, The speed is already 45 mph from Genesee Road to the Concord Town Line and this would continue south from Genesee Road to Route 39, and

WHEREAS, The Town Board is concerned with the safety of its residents, as well as those using Trevett Road

NOW, THEREFORE BE IT RESOLVED, That the Town Board of the Town of Concord does hereby request the County of Erie to reduce the speed limit to 45 mph on Trevett Road from Genesee Road to Route 39.

Voting as follows:

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

Town Clerk Bolt will send out the TE-9 form also required by the County with the Resolution.

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j) Surplus Equipment – Town Clerk Bolt had a list of surplus equipment. She read the following:

Brother Typewriter EM611	Serial No. 23612528
Brother Printer HL1850	
Brother Fax Intel 1270	Serial No. C17585462
Epson LG 570e Printer	Serial No. CCBY291037
Brother Laser Printer HL 5050	Serial No. U60564C3j272474
Cyber Vision C50	Serial No. JD1004000877

Motion by Councilman Salzler, seconded by Councilwoman King, to declare the list above as surplus. Supervisor Eppolito noted that the surplus equipment done previously has been mostly disposed of. Councilwoman King, Councilmen Krezmien & Salzler, Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

ITEM #5. OLD BUSINESS

a) **Town Park Rules & Regulations – Local Law** - The Board now wants to make this policy rather than a law. The law had been passed initially in 1993 and because a law has to be adopted to rescind or amend a law, a new law has to be adopted. Councilman Salzler moved the adoption of Resolution 16 - Local Law No. 1 of 2010 entitled “Rescind Local Law No. 1 of 1993 entitled “Town Park Rules & Regulations” and Local Law No. 3 of 1995 “Codes of Town of Concord” Chapter 101 – Parks and Recreation Areas, Sections 101-2, E; 101-3 and 101-7”.

WHEREAS, A Public Hearing had been held on Thursday, March 11th, 2010, with no one speaking in opposition, and

WHEREAS, The Concord Town Board wishes to make the Town Park Rules and Regulations a policy, and not a local law

NOW, THEREFORE BE IT

RESOLVED, That the Concord Town Board hereby adopts

Local Law No. 1 of 2010

Rescinding Local Law No. 1 of 1993 entitled “Town of Concord Town Park Rules & Regulations” and Local Law No. 3 of 1995 “Codes of Town of Concord” Chapter 101 – Parks and Recreation Areas, Sections 101-2, E; 101-3 and 101-7.

EFFECTIVE DATE

This Local Law shall take effect upon filing in the Office of the New York State Secretary of State or as otherwise provided by law.

Seconded by Councilwoman King.

Voting as follows:

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

ITEM #6. CONSENT AGENDA

There were no items for Consent Agenda.

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ITEM #7. EXECUTIVE SESSION

No executive session to be held.

ITEM #8. COUNCILMAN NOTES

a) Councilman Salzler had counted 8 trees up at the town park to be removed or trimmed. He will meet a consultant up at the park tomorrow morning to review this and will rely on his expertise.

b) Councilman Salzler had looked into the park bathrooms being plugged. It was not tree roots, but the park superintendent felt it was kids throwing toilet paper down the toilets. Discussion. He will check with Tom Randall, plumber.

c) Councilman Salzler wanted to thank Supt. Dains and Mr. Barry Edwards for all their hard work at the park.

d) Councilwoman King asked if the town would like to get together a team to walk for Relay for Life. It would be in June. She will chair this.

e) Supervisor Eppolito informed the Board that the town and village would be hosting the Association of Erie County Governments meeting on the 22nd. He would like everyone to come. Contact him.

f) Supervisor Eppolito informed the Board that the Houghton workshop will be the first part of May. It is very worthwhile.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Krezmien, seconded by Councilwoman King, and passed unanimously, to adjourn the meeting at 8:30 p.m. in memory of:

Greta Fish
Silvia Bolmey
Suzanne Valentine
Tammy Gasper
Harold R. Wohlhueter

M. Beth Bolt