

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 BARRY EDWARDS
NATALIE CONDOR JIM LANDOU
CAROLYN ROBINSON BARB SCINTA
DARYL & HEATHER McEWAN
MIKE DANIEL KELLY MAYNE

INVOCATION DELIVERED BY TOWN CLERK BOLT.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

ITEM #1. APPROVAL OF MINUTES

a) T/Bd Organizational Meeting 1/07/2010 – Motion by Councilman Salzler, seconded by Councilwoman King, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

b) T/Bd Meeting – 1/7/2010 – Motion by Councilman Salzler, seconded by Councilman Snyder, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. 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.

a) Mr. George Donhauser asked if the hwy supt was going to put the sign back up on his road. Supt. Dains did not know that it was down. He will do it tomorrow.

b) Mr. Daniel asked about the dogs that had been taken by the SPCA. He would like to adopt one. As Mrs. Robinson was in attendance, they left the room to discuss this.

c) Supervisor Eppolito noted that a letter had been received from Mr. Richard Perkins. He is the owner/operator of the Middle Road Trailer Park. He was protesting the fee increase. It had doubled and he was not informed. Supervisor Eppolito noted that the fees were published. Mr. Donhauser informed him that the supervisor had stated that he would notify both trailer parks of the proposed increase. Supervisor Eppolito noted that he had forgotten and apologized. He thought that he had paid the fee. Town Clerk Bolt informed the Board that the fee has not been paid yet. Supervisor Eppolito will address a letter to him. He had spoken personally with him.

February 11, 2010

d) Supervisor Eppolito introduced Andrew Nason. He is working on his Eagle Scout project. He would like to build two baseball player shelters at Community Park. He presented pictures of his proposal. This would be at the big diamond. Discussion. He was asking Board approval. Supervisor Eppolito noted that Joe Krzemien, park superintendent, would oversee the project with Andrew. A start time would be in the spring, when the weather breaks. The Board was in agreement. This would be approved later in the meeting.

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

ITEM #3. MONTHLY REPORTS

Motion by Councilman Salzler, Councilman Snyder, to approve the Monthly Reports, Items a-i. 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-December 2009
- d) Judge Frank – December 2009
- e) Judge Gibbin – December 2009
- f) Judge Frank – January 2010
- g) Judge Frank – 2008 Yearly Report
- h) Judge Frank - 2009 Yearly Report
- i) Supervisor Report – December 2009

j) Fire Department – Supt. Dains gave an oral report with the Board.

Mortons Corners – Councilman Snyder is pursuing a grant with National Fuel for the fire company in the amount of \$2,354.95. It would be for the purchase of 16” RamFan 5 hp gas powered blower, 1 3/4” diameter 100’ length hose and Stihl MS290 F.B. Chainsaw.

East Concord Fire Co will be holding square dances again at the fire hall.

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

k) Highway Superintendent Report. Hwy Supt Dains read his filed report.

1) Supt. Dains was asking the Board permission to attend Advocacy Days in Albany, March 9-10, 2010 to lobby for CHIPS funding. There should be a minimal cost to the town. Motion by Councilman Krezmien, seconded by Councilwoman King, to grant permission to the Highway Superintendent to attend Advocacy Days in Albany from March 9-10, 2010. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried. He thanked the Board.

2) Supt. Dains asked for permission to attend the Cornell Local Roads Highway School in June 7-9, 2010 at Ithaca College. Motion by Councilman Krezmien, seconded by Councilwoman King, to grant permission to the Highway Superintendent to attend the Cornell Local Roads Highway School from June 7-9, 2010. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

Supervisor Eppolito noted that he had had two citizens come to his office and compliment the highway department on doing a fine job! He thanked the Board, too!

3) Supt. Dains noted that Assemblyman Jack Quinn is having an open forum on establishing a citizens forum on government on March 11th at the village hall.

February 11, 2010

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 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 14, bills 1524-1551
General Fund A, abstract 2, bills 24-105 & 155-157
General Fund B, abstract 14, bills 1552
General Fund B, abstract 2, bills 106-112
Library Fund, abstract 14, bills 1553-1554
Library Fund, abstract 2, bill 113
Fire Protection, abstract 2, NONE
Joint Van, abstract 2, bills 114-115
Joint Youth, abstract 14, bills 15555-1557
Joint Youth, abstract 2, bills 116-117
Craneridge Lighting, abstract 14, bill 1558
Craneridge Sewer, abstract 14, bills 1559-1563 & 1573
Craneridge Sewer, abstract 2, bills 118-123
Highway DA, abstract 2, NONE
Highway DB, abstract 14, bills 1564-1572
Highway DB, abstract 2, bill 124-147
Kissing Bridge Water, abstract 2, bills 148-149
Kissing Bridge Sewer, abstract 2, bills 150-151
Trevett Rd. Water, abstract 2, bill 152
Trust & Agency, abstract 2, bills 153-154
Capital, abstract 2, NONE

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

b) Holfoth Risk Management – Consulting Agreement – Supervisor Eppolito informed the Board that the town had worked with Holfoth since 1981. The agreement was the same except for the cost. They have saved the town money over the years. Motion by Councilman Krezmien, seconded by Councilman Salzler, to authorize the Supervisor to sign the agreement with Holfoth Risk Management. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

c) Town Surplus Equipment - Supervisor Eppolito informed the Board that he had 100 chairs from the auditorium that were broken and he would like to dispose of them. He also had 2 desks and 6 filing cabinets. These would have to be declared surplus. Town Clerk Bolt noted that she had equipment across the hall from the justice's office that also could be disposed of. She requested a list of all of these. Discussion. Motion by Councilman Salzler, seconded by Councilman Krezmien, to declare surplus the following: approximately 100 chairs, 6 filing cabinets and 2 desks and the broken tables. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

The supervisor and town clerk will work on a list for the other surplus equipment.

d) Appoint Hodgson Russ –Bond Counsel – Supervisor Eppolito asked the Board to appoint Hodgson Russ as our Bond Counsel. Motion by Councilman Krezmien, seconded by Councilman Salzler, to appoint Hodgson Russ as the town's Bond Counsel. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

February 11, 2010

e) Appoint James J. Rooney (Bond, Schoeneck & King, PLLC) – Labor Counsel - Supervisor Eppolito informed the Board that there was an issue that needed to be addressed and Mr. Norm Stocker was in Florida and it could not wait. Motion by Councilman Krezmien, seconded by Councilman Snyder, to appoint James J. Rooney (Bond, Schoeneck & King, PLLC) as the town's labor counsel. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

f) McEwan Rezoning – Supervisor Eppolito noted that as we had not heard back from Erie County on the rezoning request, and with the town attorney's recommendation, he was asking for this to be tabled. He had thought to accept the SEQR at the March meeting instead of tonight. Motion by Councilman Snyder, seconded by Councilman Salzler, to table any action until the March 11th meeting. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

g) Junk Yard Permits - Supervisor Eppolito informed the Board that the Planning Board had reviewed the following Junk Yard Permits and was recommending approval: Jordan's Salvage (Mary Ann Jordan); Southern Tier Auto Center; Arthur P. King Towing & Auto Parts; and Ronald Miller. Motion by Councilman Salzler, seconded by Councilwoman King, to approve the junk yard permits as follows: Jordan's Salvage; Southern Tier Auto Center; Arthur P. King Towing & Auto Parts; and Ronald Miller, as recommended by the Planning Board. Councilwoman King; Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

h) 2010 Mining Permits – Supervisor Eppolito had informed the Board that the Planning Board had reviewed the following mines: McEwan Trucking; Cold Spring Construction – Hofmann South; Cold Spring Construction – Wendel Vaughn Street; Cold Spring Construction – Sharp Street; Schreiber & Winkelman; Zylinski Pit; McCarthy Gravel; Gernatt Asphalt Products, Inc – Zylinski Clay Mine; Gernatt Asphalt Products, Inc. – Vaughn Gravel Pit; Gernatt Asphalt Products, Inc. – Vaughn Gravel DeWald; Michael J. Hannon Landscaping & Excavation; Russo Development, Inc. and Waterman Gravel. They were recommending approval. Motion by Councilman Krezmien, seconded by Councilman Snyder, to approve the mining permits as follows: McEwan Trucking; Cold Spring Construction – Hofmann South; Cold Spring Construction – Wendel Vaughn Street; Cold Spring Construction – Sharp Street; Schreiber & Winkelman; Zylinski Pit; McCarthy Gravel; Gernatt Asphalt Products, Inc – Zylinski Clay Mine; Gernatt Asphalt Products, Inc. – Vaughn Gravel Pit; Gernatt Asphalt Products, Inc. – Vaughn Gravel DeWald; Michael J. Hannon Landscaping & Excavation; Russo Development, Inc. and Waterman Gravel, as recommended by the Planning Board. Councilwoman King; Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

i) Set Public Hearing Re: Town Park Law - Supervisor Eppolito noted that the Board had adopted new policies on rules and regulations for the town park. Some of these did not follow the law passed back in 1993. The law would have to be rescinded. He noted that if these were not a law, it would be hard to prosecute anyone. It is easier to adopt policies and they can be changed by resolution. It is the Board's decision as to how they want to proceed. Tn. Attn. Barone stated that, if not a law, prosecution would be difficult. There has not been any to date anyway. Discussion. Now, a public hearing has to be held. Motion by Councilman Snyder, seconded by Councilman Salzler, to direct the town clerk to publish for a public hearing on March 11th at 6:40 p.m. to rescind the law on the rules and regulations for the town park. Councilwoman King; Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

j) Eagle Scout Project – Supervisor Eppolito asked the Board for a motion to allow Andrew Nason to do his eagle scout project of building shelters for the baseball diamond at the Community Park. Motion by Councilwoman King, seconded by Councilman Krezmien, to allow Andrew Nason build shelters at the baseball diamond at the Community Park for his eagle scout project, overseen by the park superintendent.

February 11, 2010

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

ITEM #5. OLD BUSINESS

a) Re-Advertise for Fuel Bid – Supervisor Eppolito noted that no one had bid. It would have to be re-bid. Motion by Councilwoman King, seconded by Councilman Snyder, to direct the town clerk to publish for fuel bids to be opened on Monday, March 8th, 2010 at 10:00 am. Councilwoman King; Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

b) Roof Bids – Town Hall and Library – Supervisor Eppolito had been working with Mark Alianello's office on new bids for the town hall and library roofs. It was felt that we should bid out the roofs separately and together. Some small changes had been made. The bid opening would be March 5th. Motion by Councilman Salzler, seconded by Councilman Snyder, to direct the town clerk to publish for a bid opening on March 5th at 10:00 a.m. on the town hall and library roofs. Councilwoman King; Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

c) Trevett Road Water District Property – Tn. Attn. Barone explained that when the town transferred the Trevett Road Water District over to the County, it was discovered that the town still retained ownership of some of the parcels and were paying taxes on them. He worked with Ron Bennett on deeding the parcels in question back to the county. The Board needed to give the supervisor the authority to deed the property over to the county. Discussion. Motion by Councilman Snyder, seconded by Councilwoman King, to authorize the Supervisor to sign the deeds for the Trevett Road Water District properties over to the County of Erie. Councilwoman King; Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #6. CONSENT AGENDA

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

- a) William Snyder, III
- b) Cattaraugus Street Water District
- c) 2010 Erie County Salaries
- d) Erie Co. Supervisor Summit Minutes – 1/12/10
- e) John Whitney – August Storms
- f) SCTF Minutes – 1/21/10
- g) Concord Crest Golf Course – Liquor License
- h) Relay for Life
- i) WNY Dairy Minutes – 1/12/10
- j) SouthTowns Communities Seek Transit System
- k) Village of Springville
- l) Freed Maxick & Battaglia, PC
- m) Village of Springville

ITEM #7. EXECUTIVE SESSION

Motion by Councilman Snyder, seconded by Councilwoman King, to go into executive session at 8:05 p.m. for discussion on proposed land purchase for the town. Councilwoman King; Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

February 11, 2010

Motion by Councilman Salzler, seconded by Councilman Krezmien, to come out of executive session at 8:23 p.m. Councilwoman King; Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #8. COUNCILMAN NOTES

a) Councilman Salzler explained the status of the proposed Cattaraugus Street Water District. They had met with the village. They agreed on the area for the district, numbers, size of the water line, charges and meter reading. Supervisor Eppolito has since started looking for grants. If two people in that proposed district request a vote, a public vote would have to be held. Costs were being studied. Discussion on how to charge the people in that district.

b) Councilman Salzler asked if the new tractor had come in for the town park. Supervisor Eppolito noted that it had.

c) Councilman Snyder was on the committee with the village to study a consolidation for a joint code enforcement officer. Mr. Hubert had been liaison with him on the committee. Supervisor Eppolito stated that he would work with him on this committee.

d) Councilman Snyder asked the town attorney if he had reviewed the home occupation section of the code. The town attorney will discuss this later.

e) Councilman Snyder informed the Board that the library was happy with the new boiler. They wanted to thank the Board. Councilman Krezmien asked about the two additional pipes sticking out of the roof. He was told that they were sewer vents. He asked what time does it come on. Steam is really blowing out then. Supervisor Eppolito stated that it must be what the library staff wants it set at. Councilman Snyder stated that this is energy efficient. Lights were out and the electrician has been contacted. Councilman Snyder will also contact them.

f) Councilman Snyder noted that the final impact study was in on West Valley Demonstration Project.

g) Town Clerk Bolt asked the Board what they would like to have for email addresses. Her deputy has been working on the website. The councilmen/councilwoman will let her know.

h) Tn. Attn Barone asked the Board about home occupation. He had gotten sample legislations from Association of Towns. He will review these and asked that the Board review them also. He will send them to the supervisor to send to the Board.

i) Tn. Attn. Barone had received a question on local laws for hunting. The town has no authority, according to the Association of Towns, to regulate hunting. We can prohibit discharge of arms in the town. We can also control any use of weapons on town property. It is strictly a state concern. The supervisor noted that there is a group of coyote hunters and they do not care where they go chasing them. They use dogs and the dogs go wherever the coyotes go. A resident had brought this concern to him. Discussion.

j) Supervisor Eppolito informed the Board that there was a FEMA meeting on the new proposed flood plain map on March 2nd. They have been redrawn. He will be attending. There may be homes that are included within the flood plain and they may not be. The CEO and Mark Alianello had been sent a copy for review. This would be a big expense to these homeowners.

February 11, 2010

k) Supervisor Eppolito noted that there is a meeting on February 20th with the Jack Quinn and the Western New York Delegation. Discussion will be on CHIPS funding, Medicaid, Medicare and the hospital.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Snyder, seconded by Councilwoman King, and passed unanimously, to adjourn the meeting at 8:45 p.m. in memory of:

Agnes R. Hunter
Joan Wittmeyer
Malle Matrei
Leila M. Meyer

Blanche E. Braman
Stella J. Bekiel
Isabel F. Guilman
Kathleen Rung

M. Beth Bolt