

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: DARLENE G. SCHWEIKERT, DEPUTY TOWN CLERK
MICHAEL BARONE, TOWN ATTY
DENNIS M. DAINS, HWY SUPT
JOHN MILLS, ERIE CO. LEGISLATOR
CAROLYN ROBINSON LORI NASON
GEORGE DONHAUSER BARRY EDWARDS
JESSIE OWEN

INVOCATION DELIVERED BY DEPUTY TOWN CLERK SCHWEIKERT.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

ITEM #1 JOHN MILLS TO ADDRESS THE BOARD

Erie County Legislator John Mills addressed the Board to bring them up to date on the roads that were oil and chipped in the Town of Concord this year: Woodside, Groth, Belscher, Concord, Snyder, and Sharp for a total of 20 miles. The roads had the ditches cleaned and were extensively patched prior to oil and chipped. Belscher had two cross culverts replaced and all the roads listed had shoulder repairs completed.

Legislator Mills discussed the proposed 2011 Budget. It will be a difficult budget. It appears that County Executive Collins will be able to save \$36 million dollars by cutting vacant positions in the budget. This is something that Legislator Mills has been trying to get rid of since 2006. County Executive Collins is also proposing a 20% budget cut over last year. Legislator Mills hopes to get more money for some of the culturals, water conservation and cooperative extensions. Legislator Mills noted that he and Supervisor Eppolito had given County Executive Collins and Dottie Gallagher from the Visitor's Bureau a five hour tour of the Southern Tier. Stopped at many places: the Oasis, the Art Center, Emery Park, Kissing Bridge, The Dog Bar, The Roycroft. Supervisor Eppolito noted that his concerns with the 2011 Budget are with Soil and Water and the Environment and Planning Board as these areas departments were cut way back in past. Legislator Mills explained that that was one of the reasons he brought County Executive Collins and Dottie Gallagher out here last week. Legislator Mills noted that State of New York is broke but there is Federal money to tap into and he was glad to hear President Obama say that we need to work on our infrastructure.

Supervisor Eppolito asked Legislator Mills to update the Board regarding the water shed committee. Legislator Mills noted that we do not have 100 year floods anymore; we have floods every 5 to 10 years now. FEMA will help areas rebuild but we need a long lasting solution to stop the issue now before disasters occur later. Legislator Mills discussed upstream mitigation and he also noted that Erie, Cattaraugus and Chautauqua Counties were left out of funding for this type of mitigation in the state budget. There is a budget line for this but these counties were not included so now that it has become known, we should be getting some of these funds. We have Lake Erie and the canal in the City and our water front and now we are getting recognized. Supervisor Eppolito noted that the water shed committee meets monthly but things are not going to happen overnight and the solution is not to call FEMA in all the time.

Supervisor Eppolito asked if anyone had any questions for Legislator Mills and there being none, Legislator Mills thanked the Board for their time this evening. The Board members told Legislator Mills to keep up the good work.

ITEM #2 APPROVAL OF MINUTES

a) T/Bd Meeting – 8/12/2010 – Councilwoman King noted two corrections to the Minutes of August 12, 2010. She was excused from the meeting so please amend the Minutes at Item #4, New Business (b) Audit of the Bills to show that she was excused and also at Item #4, New Business (d) Set Work Sessions for 2011 Budget to show that Councilman Krezmien seconded the motion. Motion by Councilman Salzler, seconded by Councilman Kremien, to approve the minutes as corrected above. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #3 PUBLIC COMMENT

Pastor David Kunselman addressed the Board to explain that he was going to approach the Board about the possibility of putting Senior Housing in Concord but he met with the Erie County Health Department and the property on North Street where he intended to do this project does not fit Health Department requirements. Pastor Kunselman noted that he will be better prepared next time and thanked the Board for their time.

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

ITEM #4 MONTHLY REPORTS

Motion by Councilman Krezmien, 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 – July 2010
- d) Judge Gibbin – July 2010
- e) Supervisor Report – July 2010
- f) Fire Department

Dog Control Officer Robinson wanted to thank the Board for her new cell phone. She has given the new number to the Erie County Sheriff's Department, the State Troopers and the Control Center and her business cards will be changed. Supervisor Eppolito noted that in past the Dog Control Officer received a stipend from the town and she used her own cell phone and now she has been put on the town bill. Dog Control Officer Robinson noted that the reason for this was because her personal cell phone bill had been the subject of a FOIL request. Her new number is 863-5841.

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

Highway Superintendent Dains noted that the FEMA work has now been completed according to the inspection report but we still have one year grace period in case something happens where they would come back in to make repairs.

Highway Superintendent Dains also noted that in regards to the 2010-2013 Snow Removal and Ice Control Agreement that the highway superintendents from Clarence, Eden and Concord have gone over the contract and are in agreement as the committee for the Towns. The County has met their request of 5% over the next three years. Highway Superintendent Dains would recommend that the Town Board sign the Agreement.

Highway Superintendent Dains read into the Minutes the Certificate by Town of Concord Superintendent of Highways of Seasonal Abandonment report. This will be

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filed with the Town Clerk and will need to be submitted after the October 14th, 2010, Town Board Meeting for publication. The reason for the April 15th date is that he needs to wait a couple of weeks to have the gravel dry out. On White Street, there is a slide area and there is a 4 to 6 inch drop over winter and needs to get the frost out of the ground.

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 Salzler, and reviewed by the Board.

General Fund A, abstract 9, bills 928-988
General Fund B, abstract 9, bills 989-993
Library Fund, abstract 9, bills 994-997
Fire Protection, abstract 9, NONE
Joint Van, abstract 9, bills 998-999
Joint Youth, abstract 9, bill 1000
Craneridge Lighting, abstract 9, bill 1001
Craneridge Sewer, abstract 9, bills 1002-1010
Highway DA, abstract 9, NONE
Highway DB, abstract 9, bills 1011-1019
Kissing Bridge Water, abstract 9, bill 1020
Kissing Bridge Sewer, abstract 9, bill 1021
Trevett Rd. Water, abstract 9, bills 1022-1024
Trust & Agency, abstract 9, bill 1025
Capital, abstract 9, NONE

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

b) 2010-2013 Snow Removal & Ice Control Agreement w/ Erie Co. – Supervisor Eppolito thanked Highway Superintendent Dains for his efforts in working on the Agreement. Councilman Salzler asked if it was in the agreement about the snowblower use and Highway Superintendent Dains noted that any extras has to go through the County Engineer and the County will pay you an hourly rate once the County Engineer approves it. Town Attorney Barone wants to make sure that there is an insurance certificate naming the County as an additional insured.

Councilman Krezmien moved the adoption of Resolution 19, seconded by Councilwoman King, and passed unanimously:

WHEREAS, the Town Board of the Town of Concord has reviewed the 2010-2013 Snow Removal & Ice Control Agreement,

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Concord does hereby authorize the Supervisor to sign the 2010-2013 Snow Removal & Ice Control Agreement with the County of Erie at 5%/5%/5%.

Voting as follows:

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

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c) Set Public Hearing re: CDBG - Supervisor Eppolito noted that the Community Block Development Grant would be for the purpose of the Rural Transit Van and asked the Board members to set the date for the Public Hearing for October 14, 2010 at 6:45 p.m. Motion made by Councilman Salzler, seconded by Councilman Krezmien, to set the Public Hearing date for the CDBG for October 14, 2010 at 6:45 p.m. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

d) Set Public Hearing re: 2011 Preliminary Budget - Supervisor Eppolito asked the Board members to set the date for the Public Hearing for October 14, 2010 at 6 p.m. Motion by Councilman Salzler, seconded by Councilman Krezmien, to set the Public Hearing re: 2011 Preliminary Budget for October 14, 2010 at 6 p.m. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

e) Town of Concord – Local Law Dog Licensing – Supervisor Eppolito noted that Town Attorney Barone has been in contact with the Association of Towns. Town Attorney Barone noted that the Association should have a model law available shortly and once that is received, he will read it over. At that time there should be a work session between Town Clerk Bolt, Deputy Town Clerk Schweikert, Dog Control Officer Robinson, Town Attorney Barone and Supervisor Eppolito to review the new law. If Town Attorney Barone does not have the proposed law in a couple of weeks, he will contact the Association again since there is a time line for this so that the law can be in affect for the January 1st date when the Town will start taking over dog licensing from the State. Town Attorney Barone noted that basically we will be doing what we are already doing but we will need to decide on fees, the collection of fees and enforcement. Dog Control Robinson noted that she believes the fees should be increased to include the extra costs that will be incurred by the Town Clerk's Office for tags, mailing charges. She said that the Town of Concord fees are lower than some of the other towns in Erie County. Supervisor Eppolito noted that once the model law is received, we will have a meeting and as soon as possible we will need to have a Public Hearing on the dog licensing law.

ITEM #6 OLD BUSINESS

There was nothing for Old Business.

ITEM #7 CONSENT AGENDA

There was nothing for the Consent Agenda.

ITEM #8 EXECUTIVE SESSION

Before the Board went into Executive Session, Supervisor Eppolito wanted to thank Andrew Nason for the wonderful job he did on the dug outs at the Town Park. He is a fine young man. Supervisor Eppolito noted that he will be drafting a letter to Andrew thanking him. Councilwoman King asked if an article could be placed in the Springville Journal along with a picture. Supervisor Eppolito noted that Mrs. Nason had a photo album of pictures and asked her if she would send the Springville Journal an article and a picture of the dug outs and Mrs. Nason said she would.

a) Legal Matter – Supervisor Eppolito noted that they had a legal matter to discuss in Executive Session and they may or may not act when they come out of Executive Session. Motion by Councilman Krezmien, seconded by Councilman Salzler, to go into Executive Session at 7:50 p.m. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

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Motion made by Councilwoman King, seconded by Councilman Salzler, to come out of Executive Session at 8:10 p.m. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried. Supervisor Eppolito noted that there would be not action taken tonight.

ITEM #9 COUNCILMAN NOTES

a) Councilman Snyder asked what the Board would be doing about the snowmobile crossings and if the Town needed to do anything before winter. Highway Superintendent Dains noted that the County is looking in to something about that. Most of the roads are County roads so they have the major issue with this. Supervisor Eppolito noted that the Town could support the County and possibly draft a resolution in the future.

b) Supervisor Eppolito noted that he had received two complaints about the double stop signs at the end of Sharp Street and he asked Councilman Snyder since he travels that road a lot if he was confused by the signage. Councilman Snyder stated that he was not confused. Discussion about stopping at the first sign and since you can't see to the right at that point, stopping again at the second sign. This is not a good intersection but people should stop at both signs.

c) Councilman Krezmien asked if there was any decision about the lights at the Town Park. Councilman Salzler noted that he had talked to Gerwitz & McNeil and he said that the cost of the contract is outrageous and would not recommend signing the contract. Councilman Krezmien thought there was language in the contract where the company would come out and replace all the bulbs. Town Attorney Barone will review the contract.

d) Deputy Town Clerk Schweikert asked the Board to make a motion to allow the Town Clerk to publish for the Fall Trash Pickup which is scheduled for Monday, October 18, 2010. Motion by Councilwoman King, seconded by Councilman Salzler, to authorize the Town Clerk to publish for the Fall Trash Pickup. Councilwoman King, Councilman Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

e) Highway Superintendent Dains noted that the 219 Extension should be open for the Fall Fest weekend.

f) Highway Superintendent Dains noted that Scobey Hill should be paved within the next couple of weeks. Discussion about the drainage line and who would pay to clean the drains out. The Town does not have the equipment to clean it out. Supervisor Eppolito noted that it is very dark at the end of Scobey Hill but that there is no power there. Discussion about the possibility of having solar or gas lighting installed there.

g) Councilman Krezmien noted that when getting off the 219 Expressway the other night when it was raining, it was dark there. He wondered if anyone knew if there were plans for any light poles in that area between the two over passes. Highway Superintendent Dains noted that he did not know but that he would check into it.

h) Supervisor Eppolito showed the Board the Certificate of Appreciation of Michael Willibey that he had received recognizing Mr. Willibey for his efforts with the H1N1 last year.

ITEM #10 MOTION TO ADJOURN

Motion by Councilman Krezmien, seconded by Councilman Salzler, passed unanimously, to adjourn the meeting at 8:25 p.m. in memory of:

Lucille Yellen
Flossie Ahrens
Lillian G. Wright

Darlene G. Schweikert

