

TOWN OF CONCORD TOWN BOARD MEETING
6:30 p.m.

November 10, 2011

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

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

ALSO PRESENT: MARY E. BOLT, TOWN CLERK
DARLENE G. SCHWEIKERT, DEPUTY TOWN CLERK
MICHAEL F. BARONE, TN. ATTN.
DENNIS M. DAINS, HWY SUPT.
GEORGE DONHAUSER CAROLYN ROBINSON, Dog Control
CHRIS PROCTOR, Springville Journal
CARL CALARIO, ENG. CHRIS STRONG
INA RANDALL CORIANN CARSON

INVOCATION DELIVERED BY TOWN CLERK BOLT.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

ITEM #1. EXECUTIVE SESSION-PERSONNEL MATTER & PENDING LITIGATION

Supervisor Eppolito informed those present that he was requesting an executive session on a personnel issue and pending litigation. Motion made by Councilman Krezmien, seconded by Councilwoman King, to go into Executive Session at 6:30 p.m. to discuss a personnel matter and pending litigation. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

Motion made by Councilman Krezmien, seconded by Councilman Salzler, to come out of Executive Session at 7:22 p.m. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #2. MARK ALIANELLO OFFICE

b) Craneridge Sewer District – Supervisor Eppolito asked that this item be discussed first as Mr. Calario was in attendance from Mark Alianello's office and he has been doing the work on this project. Sifting soils has been a real issue in Craneridge. Final payments are being made on the last project up there. Cameras had been used to view the sewers, but there were parts that a camera could not get in. The supervisor would like to see another phase of that project started, not on an emergency basis. Mr. Calario presented a map of the area and pointed this out to those present. Discussion ensued. Bonding was discussed. The town attorney was asked to review the agreement between the town and Mr. Alianello's office. Funding was available to at least get this started. Motion by Councilman Snyder, seconded by Councilman Salzler, to authorize the supervisor to sign an agreement with Mark Alianello, PC, to begin the study on the next Craneridge sewer project, contingent upon review by the town attorney. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried. The Board thanked Mr. Calario for coming and speaking to them.

a) Easement on Abbott Hill Road – Supervisor Eppolito informed the Board that there was a chalet that had built a deck and it was determined that it had been built on the town's easement. It was found out when being sold and a title search was done. No building permit was on file. A licensing agreement was now required to

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protect the town's easement. One was drafted and reviewed by the deputy town attorney. She had two changes which were agreed upon. Motion by Councilman Salzler, seconded by Councilman Krezmien, to authorize the supervisor to sign the licensing agreement with the proposed changes with the owner of Lot #8, Abbott Hill Road Extension. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #3. APPROVAL OF MINUTES

a) Public Hearing 10/13/2011 re: CDBG – Motion by Councilman Krezmien, seconded by Councilman Salzler, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

b) Public Hearing 10/13/2011 re: 2012 Preliminary Budget – Motion by Councilman Snyder, seconded by Councilman Krezmien, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito. Carried.

c) Town Board Meeting 10/13/2011 – Motion by Councilman Snyder, seconded by Councilwoman King, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito. Carried.

ITEM #4. PUBLIC COMMENT

There was no one for Public Comment. Motion by Councilman Salzler, seconded by Councilman Krezmien, to close Public Comment. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #5. MONTHLY REPORTS

Motion by Councilman Krezmien, seconded by Councilwoman King, to receive and file the Monthly Reports, Items a-e. 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 - September 2011
- d) Judge Frank – October 2011
- e) Supervisor Report – September 2011

f) Fire Department - Chief Dains advised that the Board that the new 400 mg radios are being installed under Springville Control.

g) Highway Superintendent Report - Hwy Supt Dains reviewed his written report with the Board.

1) The town has been using the village's tow behind sweeper and they have declared it surplus. Supt. Dains would like to purchase this for \$3,000 under the intermunicipal purchase agreement. Discussion. Motion by Councilwoman King, seconded by Councilman Krezmien, to approve the intermunicipal purchase of a tow behind sweeper for \$3,000. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

2) Supt. Dains noted that the bucket truck purchased is licensed and has been in service. It is very good.

3) Supt. Dains had sold the highway equipment in the auction. The gentleman who had purchased the truck requested a reduced price. The town had received more than anticipated. Councilman Krezmien stated that it was sold "as is"

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and he did not agree with refunding any monies. Councilman Salzler did not want to jeopardize the relationship with the auction house and would refund some of the money. Supt. Dains had put in the letter to the auction house the condition of the truck to be sold, as is. Discussion ensued. Verbal conversation with the auction house was also noted. The Board agreed that no monies would be refunded.

4) The State DOT had sent documentation that they were turning over that section of Route 219 and Route 39 to the County and the Town, respectively. Supt. Dains will be getting together with the County to go over this. He feels that they turned this over just before the winter season. The County has a backup plan which may include the town. Supt. Dains stated that this is no plans or blueprints of the infrastructure as it was built as far as drainage and its direction. There is a lot of information missing that he feels it should be there. As of November 3rd, that section of 219 and 39 to Waverly Street is now a town road. That section of Waverly Street to the center of the high level bridge is the County's. Very little conversation was given by the State to the town on this.

5) Supt. Dains has still not heard anything on the street light for Scoby Hill Road. Neither has the supervisor.

Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the Fire Department Report and the Highway Superintendent Report. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried

ITEM #6.

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 11, bills 1244-1310
General Fund B, abstract 11, bills 1311-1317
Library Fund, abstract 11, bills 1318-1320
Fire Protection, abstract 11, NONE
Joint Van, abstract 11, bills 1321-1324
Joint Youth, abstract 11, bills 1325-1326
Craneridge Lighting, abstract 11, bill 1327
Craneridge Sewer, abstract 11, bills 1328-1333
Highway DA, abstract 11, NONE
Highway DB, abstract 11, bills 1334-1354
Kissing Bridge Water, abstract 11, bill 1355
Kissing Bridge Sewer, abstract 11, bill 1356
Trevett Rd. Water, abstract 11, bill 1357
Trust & Agency, abstract 11, NONE
Capital, abstract 11, 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) **WNY Regional Sustainability Planning Consortium** – Supervisor Eppolito explained that this is no cost to the town. We would be joining a group to allow them to pursue grants for the town. Motion by Councilman Krezmien, seconded by Councilman Salzler, to authorize the Supervisor to sign the letter to participate in the Western New York Regional Sustainability Planning Consortium. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

c) **Dream Katchers use of town hall** - Town Clerk Bolt had received a request from the Dream Katchers Recreation, Inc. for use of the town hall for next year. They are working towards getting their own building, but until then would like to use the town hall. Motion by Councilwoman King, seconded by Councilman Snyder, to allow

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Dream Katchers to approve use the town hall for the dates listed. Councilwoman Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

d) Public Notice re: agricultural land-Councilwoman King read the following notice:

PUBLIC NOTICE

30-Day Period for Inclusion of
Predominantly Viable Agricultural Lands
Into Existing Agricultural Districts

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated November 1 through November 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerks, Assessors and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at www.erie.gov/environment.

The Erie County Department of Environment and Planning will accept applications from November 1 through November 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A hearing on the submitted applications for inclusion will be held on December 5, 2011 at Clarence Town Hall, 1 Town Place, Clarence, NY 14031 at 7 p.m.

The notice only had to be read once.

d) Skate Park - Supervisor Eppolito informed the Board that Mrs. Joan Taylor was working on getting playground equipment for the skate park. The kids have raised \$7,000 so far; \$12,000 is needed. She asked the town if could make a donation. Supervisor Eppolito stated that there is monies available under maintenance for the park, approximately \$2,000. We have an intermunicipal agreement with the village. Discussion. Motion by Councilwoman King, seconded by Councilman Salzler, to give the Skate Park Committee \$1,000 towards playground equipment. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

f) Reappoint Gary Eppolito to CIDA Board - Supervisor Eppolito noted that his term on the IDA Board would expire in December. Motion by Councilman Krezmien, seconded by Councilman Salzler, to re-appoint Gary Eppolito to the Concord IDA Board for a 5-year term, effective January 1, 2012. Councilwoman King, Councilmen Krezmien, Salzler & Snyder voting aye; Supervisor Eppolito sustained. Carried.

g) Reappoint Greg Waterman to Planning Board – Supervisor Eppolito noted that Gregory Waterman’s term on the Planning Board would expire in December. Motion by Councilman Krezmien, seconded by Councilman Snyder, to table any appointment. Councilwoman King, Councilmen Krezmien, Salzler & Snyder ; Supervisor Eppolito voting aye. Carried.

h) Holidays – Town Clerk Bolt asked the Board about the holidays as they fall on a weekend. The Board agreed that if it falls on a Saturday, Friday is given as the day off; Sunday, Monday is given as the day off.

i) Pending Litigation – Councilman Krezmien moved that a lawsuit filed against the town by a town resident be settled according to all parameters described in a confidential memo from special counsel, HodgsonRuss, LLP, dated November 2,

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2011, seconded by Councilman Snyder. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

ITEM #7. OLD BUSINESS

a) **Assessor Proposed Law-** Town Clerk Bolt had checked with the Secretary of State because of the proposed law changing the assessor position from elected to appointed. It was defeated in the General Election and they stated that nothing had to be done. Clerk Bolt asked if the Board wanted something in the minutes. She had checked the results: Yes – 555 and No – 1214.

ITEM #8. CONSENT AGENDA

- a) Southtowns Meals on Wheels Minutes 10/11/2011
- b) Summit Meeting Minutes 11/1/2011
- c) Springville Chamber Minutes 10/6/2011

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

ITEM #9. COUNCILMAN NOTES

- a) Councilman Salzler informed the Board that the Bicentennial Committee meetings were going well.
- b) Councilman Snyder congratulated Councilwoman King, Councilman Salzler, Justice Timothy Frank and Assessor William F. Nellis on their recent election victories.
- c) Councilwoman King thanked everyone for their help during the election.
- d) Town Clerk Bolt read her letter of resignation as Concord Town Clerk, effective December 30, 2011. She thanked everyone for all their faith and support over the past 32 years. She has been the Clerk for 30 years and was the deputy for 2 years before that. Clerk Bolt stated that it was an amazing journey with many many memories. The Board thanked her for all her years of service and dedication to the town. Motion by Councilwoman King with a heavy heart, seconded by Councilman Salzler, to accept her resignation with deep regret and wishes for the best of luck in the future. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.
- e) Town Clerk Bolt respectfully requested that her deputy, Darlene G. Schweikert, be appointed to fill her unexpired term, effective December 31, 2011. Motion by Councilman Krezmien, seconded by Councilwoman King, to appoint Darlene G. Schweikert, Deputy, as the next Concord Town Clerk, effective December 31, 2011. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried. Everyone congratulated Darlene.
- f) Supervisor Eppolito informed the Board that HEAP would be at the town hall on Monday, December 12, from 8am – 4 pm.
- g) Supervisor Eppolito informed the Board that the town Christmas party would be December 19th at noon. No town funds will be used. Donations are made by the Board members.

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h) Supervisor Eppolito noted that he has been in contact with Mr. Glenn Cooley on the parking lot. He will make his report available to the Board.

i) Supervisor Eppolito is in need of Meals On Wheels drivers. If anyone knows of anyone, please contact his office.

j) Supervisor Eppolito informed the Board that the NEST drug drop-off brought in 4,200 lbs. of drugs in Erie County.

ITEM #10. MOTION TO ADJOURN

Motion by Councilman Krezmien, seconded by Councilman Salzler, passed unanimously, to adjourn the meeting at 8:50 p.m. in memory of:

John J. Cecala
Catherine M. Burns
Gary R. Gradl
Paul G. Whittemore
Bruce Gerber
Jean M. Cook
David O. Snyder
Edward Agen

AND in honor of Town Clerk Bolt. She thanked the Board.

Mary E. Bolt