

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

February 9, 2017

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

PRESENT: GARY A. EPPOLITO, SUPERVISOR  
JAMES M. KREZMIEN, COUNCILMAN  
CLYDE M. DRAKE, COUNCILMAN  
KENNETH D. ZITTEL, COUNCILMAN  
WILLIAM F. SNYDER, III, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk  
BRIAN F. ATTEA, Deputy Town Atty  
DENNIS M. DAINS, Hwy Supt  
CAROLYN ROBINSON, Dog Control Officer

GEORGE DONHAUSER MARY JANE MIESS  
JENNIFER MANITONE JOHN MIESS  
JENNIFER WEBER CHARLES WEBER  
NORMA LIGHTCAP BILL LIGHTCAP  
LINDA MEYER Several BOY SCOUTS

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO

ITEM #1. APPROVAL OF MINUTES

a) Work Session – 1/5/2017 – Motion by Councilman Krezmien, seconded by Councilman Drake, to approve the minutes as presented. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

b) Town Board Organizational Meeting – 1/5/2017 – Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

c) Town Board Meeting – 1/5/2017 – Motion by Councilman Zittel, seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

d) Fuel Bid Opening – 2/6/2017 – Motion by Councilman Krezmien, seconded by Councilman Drake, to approve the minutes as presented. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #2. PUBLIC COMMENT

Supervisor Eppolito opened the floor for Public Comment.

1. Mary Jane Miess addressed the Board. (a) She had sent a letter to the Editor in the Springville Journal regarding the conditions of our roads and included the contact information for other residents to contact County officials with their concerns. (b) She is now a member of the Erie County Senior Citizen Advisory Board and would like to work together with the Town Board to see what can be done to serve the residents in the area. (c) The Town Van is an important service to the Senior Citizens and she wonders if there could be opportunities for the Town to partner with another agency/organization. (d) A member of the SCENe Advisory Committee had written a letter to Town Attorney Deborah Barone on November 30, 2016 and had not received a response. The member's concern is the liability related to access to the Senior Center

with opening and closing the building when designated staff was not on site. Also concerned about the safety of the participants and training should there be any health or accident issues. Deputy Town Attorney Attea will review this matter with Town Attorney Barone. Supervisor Eppolito will review this matter with the Town's insurance company. (e) Last year Supervisor Eppolito had mentioned working on a grant to purchase a partition. The rooms at the Senior Center are large enough that if a partition was in place, there could be more than one function going on at the same time. Supervisor Eppolito is looking into this.

2. Jennifer Manitone presented the Board with the Year End Senior Center Report noting the highlights from the year. She thanked the Board for their support and wished the Town of Concord Senior Center much success in the future.

No one else wished to address the Board. Motion made by Councilman Drake, seconded by Councilman Zittel, to close Public Comment. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

### ITEM #3. MONTHLY REPORTS

Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the Monthly Reports, Items a-o. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

- a) Code Enforcement Officer -- December 2016
- b) Code Enforcement Officer -- 2016 Yearly Report
- c) Code Enforcement Officer -- January 2017
- d) Dog Control Officer -- December 2016
- e) Dog Control Officer -- 2016 Yearly Report
- f) Dog Control Officer -- January 2017
- g) Town Clerk Report -- 2016 Annual Report
- h) Town Clerk Report -- January 2017
- i) Town Supervisor Report -- November 2016
- j) Town Supervisor Report -- December 2016
- k) Judge Gibbin Report -- December 2016
- l) Judge Frank Report -- December 2016
- m) Nutrition Report -- December 2016
- n) Nutrition Report -- January 2017
- o) Concord Senior's Report -- 2016 Yearly Report

p) Highway Report -- December 2016 and January 2017 Hwy Supt Dains reviewed his filed report. Hwy Supt Dains was in attendance but had an emergency and had to leave the meeting early. Town Clerk Schweikert requested the following motions on his behalf:

(1) One fuel bid had been received. A motion is requested to award the bid to Superior Plus Energy Services, Inc., dba Griffith Energy. A non-collusion statement was received with the bid. Motion by Councilman Krezmien, seconded by Councilman Drake, to accept the fuel bid of Superior Plus Energy Services, Inc.; dba Griffith Energy. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

(2) Town Clerk Schweikert requested the Board to increase the Hwy Department's comp hours by 20 hours. It is currently 60 hours and Hwy Supt Dains would like it increased to 80 hours. Motion by Councilman Krezmien, seconded by Councilman Drake, to increase the Hwy Department's comp hours by 20 hours; from 60 hours to 80 hours. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

q) Fire Department Report -- Supervisor Eppolito, Councilmen Drake & Zittel and Town Clerk Schweikert had attended the Springville Volunteer Fire Company Installation Dinner. This was a nice event. East Concord and Mortons Corners Fire Companies have their Installation Dinners in April.

Motion by Councilman Krezmien, seconded by Councilman Drake to accept the Fire Department Report and Hwy Supt Dains Reports for December 2016 and January 2017. Councilmen Krezmien, Drake, Zittel & 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 Krezmien, and reviewed by the Board. Abstract 14 are from 2016 and Abstract 2 are for 2017.

Year 2016 Abstract 14:

General Fund A, abstract 14, bills 1454-1475 & 1495; \$19,024.01  
 General Fund B, abstract 14, bills 1476-1477; \$106.95  
 Library Fund, abstract 14, bill 1478; \$470.68  
 Fire Protection, abstract 14, NONE  
 Joint Van, abstract 14, bill 1479; \$654.42  
 Joint Youth, abstract 14, bills 1480-1481; \$19,856.73  
 Craneridge Lighting, abstract 14, bill 1482; \$1,811.33  
 Craneridge Sewer, abstract 14, bills 1483-1486 & 1496; \$4,893.92  
 Highway DA, abstract 14, NONE  
 Highway DB, abstract 14, bills 1487-1493; \$20,274.47  
 Kissing Bridge Water, abstract 14, bill 1494; \$95.00  
 Kissing Bridge Sewer, abstract 14, NONE  
 Trevett Rd. Water, abstract 14, NONE  
 Cattaraugus St. Water, abstract 14, NONE  
 Trust & Agency, abstract 14, NONE  
 Capital (HA) C. Sewer, abstract 14, NONE  
 Capital (HB) Land, abstract 14, NONE  
 Capital (HD) Catt St, abstract 14, NONE  
 Capital (HE) Sr. Ctr, abstract 14, NONE  
 Capital (HF) Hwy Equip, abstract 14, NONE  
 Capital (HG) Waste Study, abstract 14, NONE

Year 2017 Abstract 2:

General Fund A, abstract 2, bills 28-106 & 151-155; \$36,357.45  
 General Fund B, abstract 2, bills 107-112; \$44,395.91  
 Library Fund, abstract 2, bills 113-114; \$277.88  
 Fire Protection, abstract 2, bill 115; \$14,938.48  
 Joint Van, abstract 2, bills 116-118; \$811.48  
 Joint Youth, abstract 2, bills 119-120; \$824.25  
 Craneridge Lighting, abstract 2, NONE  
 Craneridge Sewer, abstract 2, bills 121-123 & 156; \$2,601.31  
 Highway DA, abstract 2, NONE  
 Highway DB, abstract 2, bills 124-144; \$43,372.72  
 Kissing Bridge Water, abstract 2, bills 145-147; \$521.00  
 Kissing Bridge Sewer, abstract 2, bill 148; \$1,225.00  
 Trevett Rd. Water, abstract 2, NONE  
 Cattaraugus St. Water, abstract 2, NONE  
 Trust & Agency, abstract 2, bills 149-150; \$522.00  
 Capital (HA) C. Sewer, abstract 2, NONE  
 Capital (HB) Land, abstract 2, NONE  
 Capital (HD) Catt St, abstract 2, NONE  
 Capital (HE) Sr. Ctr, abstract 2, NONE  
 Capital (HF) Hwy Equip, abstract 2, NONE  
 Capital (HG) Waste Study, abstract 2, NONE

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

**b) Mowing/Cemeteries Proposals** – Supervisor Eppolito asked the Board to approval Request for Proposals for the lawn mowing of the cemeteries and the Senior Center. This would include mowing from Mother's Day to Labor Day, dependent on weather/mowing conditions. Motion made by Councilman Krezmien, seconded by Councilman Zittel, to allow Supervisor Eppolito to seek Request for Proposals for lawn mowing of the cemeteries and Senior Center. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

**c) Conservation Advisory Committee Appointment** – Supervisor Eppolito's term on the Erie County Environmental Management Council (ECEMC) will expire on May 31, 2017. Motion made by Councilman Krezmien, seconded by Councilman Zittel, to reappoint Supervisor Eppolito to the ECEMC. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

**d) Sunnking Agreement** – Erie County has entered into a contract with SunnKing and any municipality is able to piggyback onto their agreement. Supervisor Eppolito asked for a motion to enter into an E-Waste agreement with SunnKing. The Town anticipates getting about half the money the Town paid back in incentives. Motion made by Councilman Drake, seconded by Councilman Snyder, to authorize Supervisor Eppolito to sign the E-Waste agreement with SunnKing. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

**e) MDA Engineers Agreement** – This Management Services Agreement is a renewal of the agreement covering the employment of Jim Thoman. The agreement language remains the same as last year. Motion made by Councilman Krezmien, seconded by Councilman Zittel, to authorize Supervisor Eppolito to sign the MDA Management Services Agreement. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

**f) Petty Cash for Concord Senior Center** – Eleanor Eschborn, Director at the Senior Center, is requesting the Board to establish a Petty Cash drawer on site to eliminate her need to obtain cash from Town Clerk Schweikert at the Town Hall. The Director would oversee this petty cash amount and be responsible for reporting these amounts to Bookkeeper Ciszak with receipts attached. The same process Town Clerk Schweikert does monthly. The amount set by the Board is \$75. Motion made by Councilman Krezmien, seconded by Councilman Drake, to establish a petty cash amount at the Senior Center in the amount of \$75. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

**g) Perkins Trailer Park Permit** – Motion made by Councilman Krezmien, seconded by Councilman Drake, to approve the Perkins Trailer Park Permit, as approved by CEO Piro. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried. Town Clerk Schweikert will forward the approved Permit to Mr. Perkins.

**h) 2017 Junk Yards Permits** - Motion made by Councilman Krezmien, seconded by Councilman Zittel, to approve the following junkyard permits, as recommended by the Planning Board. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

1. Jordan's Salvage (Mary Ann Jordan)
2. Southern Tier Auto Center
3. Arthur P. King Auto Parts
4. Ronald Miller

**i) 2017 Mining Permits – Motion made by Councilman Drake, seconded by Councilman Zittel, to approve the following mining permits, as recommended by the Planning Board. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.**

1. McEwan Trucking
2. Schreiber & Winkelman
3. Joseph McCarthy
4. Gernatt Asphalt Products, Inc.:
  - a) Vaughn-Middle Road
  - b) Middle Road- DeWald
  - c) Snyder Road
  - d) Belscher Road
  - e) Vaughn Street – Watermans
  - f) Vaughn Street – Wendels
5. Cold Spring Construction
  - a) Sharp Street
  - b) Zoar Valley Road-South (Hoffman Pit)
6. Michael J. Hannon Landscaping & Excavation (Sarcon Farms)
7. Russo Development (Triple R Properties)

**j) Set Public Hearing Date re: Solar Law – This matter was discussed earlier this evening during Work Session. There will be a final review of the draft Law and a few minor changes may be necessary before the Public Hearing. A fee will be determined and that will be included on the Fee Schedule. Supervisor Eppolito will ask CEO Pirro and the Planning Board to discuss the fee. Councilman Drake noted that the Town of Sardinia just passed their Law and their fee is charged based on the amount of square footage of the panels; at 15 cents per square foot. A Special Use Permit would be required and that fee is currently \$100. Councilman Drake will review the draft law with CEO Pirro to see if the International Fire Code automatically attaches to NYS Codes. Motion made by Councilman Krezmien, seconded by Councilman Zittel, to set the Public Hearing on Local Law #1 of 2017 Amending the Zoning Ordinance of the Town of Concord to Regulate Solar Energy Systems for Thursday, March 9<sup>th</sup>, 2017 at 6:30 p.m. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.**

**ITEM # 5. OLD BUSINESS**

There was nothing for Old Business. Motion made by Councilman Drake, seconded by Councilman Zittel, to close Old Business. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

**ITEM #6. CONSENT AGENDA**

- a) County of Erie CDBG Funding
- b) WNY Dairy/Ag Festival 1/10/17 Minutes
- c) Erie County Water Quality Committee 1/18/17 Minutes
- d) Springville Control Center 1/19/17 Minutes
- e) County of Erie re: Springville-Boston Road
- f) Economic & Community Impact

Motion made by Councilman Krezmien, seconded by Councilman Zittel, to approve the Consent Agenda, Items a-f. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

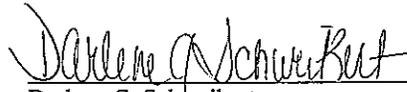
ITEM #7. COUNCILMAN NOTES

- a) Councilman Zittel had attended the Control Center meeting and advises that the CodeRed system is working well.
- b) Councilman Drake had attended the West Valley Coalition meeting. West Valley is trying to get the waste classified as defense waste because it has a higher priority.
- c) Councilman Krezmien advised that the Springville Field & Stream has had the pond on Buffalo Road surveyed and plans are being finalized to turn it into a trout breeding pond. It appears that the pond water is so cold that it is good for trout. The Field & Stream is working with Erie County Water & Soil on this project. Spring Brook is the only place that these trout are native in Erie County.
- d) Supervisor Eppolito introduced Deputy Town Attorney Brian Attea.

ITEM #8. MOTION TO ADJOURN

Motion by Councilman Salzler, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 7:37 p.m. in memory of:

Dennis J. Otto  
Agnes C. Dearborn  
Richard E. Errington  
Anne Marie Smith  
Robert G. Haught  
Jim L. James  
Larry Jerome Sebzda  
Thomas J. Wentland

  
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Darlene G. Schweikert  
Town Clerk