

TOWN OF CONCORD TOWN BOARD MEETING      October 13, 2016  
7:00 p.m.

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  
                      DENNIS DAINS, Hwy Supt  
                      DEBORAH M. BARONE, Town Atty  
                      CAROLYN ROBINSON, Dog Control Officer  
                      JOHN MILLS, Legislator  
                      NANCY HEATH, Legislator Mills' Assistant  
                      MITCH MARTIN

MARY JANE MIESS                      JENNIFER WEBER  
GEORGE DONHAUSER                    JACQUELINE M. ETTIPIO

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY HWY SUPT DAINS

ITEM #1.      LEGISLATOR JOHN MILLS TO ADDRESS THE BOARD

1) Legislator Mills updated the Board and those in attendance on the following:

a) Legislator Mills' District 11 covers 15 towns and villages with worst roads, most roads, worst drainage and the most drainage complaints.

b) Provided Town Clerk Schweikert with copies of the Western New York Hot Spot Fishing Maps, the Yellow Dot Program Brochure and the Community Resource Guide for our residents.

c) The Erie County Budget will be delivered to the Legislature by 11:30 a.m. tomorrow morning. He believes there is no proposed tax increase. The budget will give the Legislature an idea of what the County Executive thinks he would like to spend. It is a 1.4 billion dollar budget. Legislator Mills had a confrontation with the County Executive regarding public safety is important (roads, bridges, culverts, etc.). The residents want safe roads, roads plowed, and police protection. The basic services are what Legislator Mills and the County Executive do not agree on. Legislator Mills noted that he has been working very hard to get Springville-Boston Road repaired and has spoken with Bill Garry from Erie County who indicated that there is money to do this and that they will immediately start doing the culverts. Legislator Mills thanked Councilman Zittel for the Petition with signatures.

d) Had a report from East Concord Highway Barn that they have begun to patch more of Zoar Valley in advance of the plowing season and that Waverly and Mill Streets were also worked on.

e) Met with Mayor Krebs regarding the expansion of the Village at their police department and they are working to try to get more protection in this area.

f) Legislator Mills advised that the Town should be receiving a letter from County Executive Poloncarz and Commissioner John Loffredo with the County's offer on the Snow Plow Contract. First year 3%, second year 2 ½%. Hwy Supt Dains said to go with the one year Contract for 3%. The County is not considering the cost of equipment, repairs, wear and tear. Legislator Mills informed the Board that we have his support on this Contract, if the County won't increase the second year, he will have the

Legislators amend the Resolution to one year. Hwy Supt Dains stated that in earlier snow plow meetings with Erie County, the towns submitted verbiage regarding giving the Senior Resident Engineers more authority. This was agreed to by the County but never put in the Contract after the County Attorney got involved. Legislator Mills noted that the County Executive is jeopardizing our residents because technically the Town can't go on the County roads right now if there was a storm.

2) Mitch Martin of Senator Gallivan's Office advised that he was at the meeting to answer any questions those in attendance may have at the State level. No one had any questions.

ITEM #2. APPROVAL OF MINUTES

a) Work Session – 9/8/16 – Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

b) Town Board Meeting – 9/8/16 – Motion by Councilman Snyder, seconded by Councilman Drake, to approve the minutes as presented. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

c) Special Town Board Meeting – 9/30/16 - Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

d) Joint Meeting of Village of Springville/Town of Concord re: ROLOC Corporation Annexation – 10/3/16 – Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #3. PUBLIC COMMENT

Supervisor Eppolito opened the floor for Public Comment for any items not on tonight's agenda.

a) Jacqueline Ettipio addressed the Board and Legislator Mills regarding the condition of Springville-Boston Road. She has been writing letters to Commissioner Loffredo, County Executive Poloncarz and Legislator Mills. She has spoken with Bill Garry who had advised that the road would not be fixed this year and probably not next year. Legislator Mills had just spoken with Bill Garry this afternoon and that they would be starting the culverts this year and anticipated construction next year. Ms. Ettipio has also contacted Luke Moretti, Channel 4, and he has said that he would take her story but now has not heard from him.

b) Mary Jane Miess addressed the Board with regard to the Senior Center, curious to know the Town's vision for the building. She understands that starting January 1<sup>st</sup> the Town will be hiring a part time person to fill the position of Jennifer Mantione; and she believes that this is a position that the person would need to know what they were doing to grow new programs. Mrs. Miess would like to see the building used to its fullest since the Town just built the building. She provided the Board members with a listing of the monthly activities and the SCENE calendar. She presented the Board with the Orchard Park Senior Center Director job description and also Jennifer Mantione's resume. She hopes that the Town will continue to support the activities at the Senior Center and asked the Board to consider using contingency money to keep Jennifer on. Mrs. Miess thanked the Board.

Legislator Mills told the story of how years ago the Orchard Park Town Board would not support building a new Senior Center and the Town put a lot of money into converting a building into their Senior Center. The Town has a lot of

programs and now this building cannot handle it. The Town of Concord had the forethought to build a building and now they can grow into it over the years. Supervisor Eppolito noted that some people don't seem to understand that the Town is already putting almost ¼ million the budget for senior activities. The Town has no intent to cut any senior programs. The Town will be looking for a part-time clerk (19 hr/week). The Town is working on developing the job description and terms for any new hire and will be advertising the position. Councilman Snyder thanked Mrs. Miess for the information she provided.

Hwy Supt Dains also noted that he has been waiting for the County to fix the pipe on Old Glenwood Road and Morse. This 150 foot, 18" pipe was plugged at the County end. Legislator Mills will look into this matter and get back to Hwy Supt Dains.

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

ITEM #4. MONTHLY REPORTS

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

- a) Code Enforcement Officer – September 2016
- b) Dog Control Officer – September 2016
- c) Judge Gibbin Report – August 2016
- d) Judge Frank Report – August 2016
- e) Town Clerk Report – September 2016
- f) Supervisor Report – July 2016
- g) Nutrition Site – August 2016
- h) Nutrition Site – September 2016
- i) Highway Report - Hwy Supt Dains had filed his written report with the Board. The following items discussed not included in his report:

1) Hwy Supt Dains has been working with Town Clerk Schweikert to publish the Seasonal Abandonment of Randall Drive and White Street from November 1<sup>st</sup> until April 15<sup>th</sup> and also the Town Highway Law-Section 214 Depositing Ashes, Snow, Ice, Stones, Sticks, et cetera Upon The Highway and Winter Parking – Parking Restrictions Notice.

2) Hwy Supt Dains asked if the Board would be advertising the closing of the E-Waste Shed. Discussion ensued. Supervisor Eppolito would like to keep the Shed open until January 1<sup>st</sup> to allow residents time to dispose of electronics after Christmas.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the Highway Report. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

j) Fire Department - Hwy Supt Dains noted the following:

- 1) The Control Center reports that Mercy EMS responses are at 98%.
- 2) Boston Fire Company will be having an Exterior Firefighter class and interested members can attend the class.
- 3) The Springville Fire Company gun raffle was last weekend. He thanked the community for their support.
- 4) Fire Prevention week was successful; the department provided services at the school on Monday and Tuesday for Fire Safety Week.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the Fire Department Report. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM 5. NEW BUSINESS

a) **Audit of the Bills** – Supervisor Eppolito stated that these bills were audited by Councilman Krezmien, and reviewed by the Board.

- General Fund A, abstract 10, bills 1014-1099 & 1159-1162; \$74,546.22
- General Fund B, abstract 10, bills 1100-1109; \$158,208.26
- Library Fund, abstract 10, bills 1110-1112; \$509.30
- Fire Protection, abstract 10, NONE
- Joint Van, abstract 10, bills 1113-1117; \$1,501.90
- Joint Youth, abstract 10, bills 1118-1120; \$7,550.29
- Craneridge Lighting, abstract 10, bills 1121-1122; \$6,383.46
- Craneridge Sewer, abstract 10, bills 1123-1132; \$9,650.55
- Highway DA, abstract 10, NONE
- Highway DB, abstract 10, bills 1133-1152; \$51,957.45
- Kissing Bridge Water, abstract 10, bills 1153-1154; \$650.00
- Kissing Bridge Sewer, abstract 10, bills 1155-1156; \$2,450.00
- Trevett Rd. Water, abstract 10, NONE
- Cattaraugus Street Water, abstract 10, bills 1157-1158; \$1,598.43
- Trust & Agency, abstract 10, NONE
- Capital (HA) C. Sewer, abstract 10, NONE
- Capital (HB) Land, abstract 10, NONE
- Capital (HD) Catt. St, abstract 10, NONE
- Capital (HE) Sr. Ctr, abstract 10, NONE
- Capital (HF) Hwy Equip, abstract 10, NONE
- Capital (HG) Waste Study, abstract 10, NONE

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

b) **Community Development Block Grant** – Supervisor Eppolito asked the Board for a resolution on the CDBG naming the Rural Transit Service as our number one project.

Councilman Krezmien moved the adoption of Resolution 14, seconded by Councilman Snyder:

WHEREAS, Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Journal on September 15<sup>th</sup>, 2016.

WHEREAS, that the Town Board of the Town of Concord held a public hearing on Thursday, October 13<sup>th</sup>, 2016;

NOW, THEREFORE BE IT

RESOLVED, that at a meeting of the Town Board of the Town of Concord, held on Thursday, October 13<sup>th</sup>, 2016, The Town Board ranks the Rural Transit Service as Project #1 for 2017 in the Community Development Block Grant program administered by the Erie County Department of Environment and Planning.

This program is of extreme importance in serving the older residents and handicapped individuals in the Town of Concord/Village of Springville for whom transportation to medical appointments and other basic functions is very difficult to obtain.

Voting as follows:

Councilman Drake	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye

Councilman Zittel	Aye
Supervisor Eppolito	Aye

The foregoing resolution was thereupon declared duly adopted.

c) **Fire Contracts** – Supervisor Eppolito asked the Board to approve all five Fire Contracts as presented. These are three years Contracts at 3%/3%/3% for Boston Volunteer Fire Company, Inc.; East Concord Volunteer Fire Company, Inc.; Mortons Corners Volunteer Fire Company, Inc.; Village of Springville Fire Company, Inc. (fire and Emergency Medical Services) and East Concord Volunteer Fire Company, Inc. Ambulance Service.

Councilman Snyder moved the adoption of Resolution 15, seconded by Councilman Drake:

WHEREAS, Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Journal on September 15<sup>th</sup>, 2016.

WHEREAS, that the Town Board of the Town of Concord held a public hearing on Thursday, October 13<sup>th</sup>, 2016;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Concord does hereby approve the fire contracts for Boston Volunteer Fire Company, Inc.; East Concord Volunteer Fire Company, Inc.; Mortons Corners Volunteer Fire Company, Inc.; Village of Springville Fire Company, Inc. (fire and Emergency Medical Services) and East Concord Volunteer Fire Company, Inc. Ambulance Service.

Voting as follows:

Councilman Drake	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Eppolito	Aye

The foregoing Resolution was thereupon declared duly adopted.

d) **Adopt 2017 Budget** - Supervisor Eppolito asked the Board to approve the 2017 Budget as presented.

Councilman Krezmien moved the adoption of Resolution 16, seconded by Councilman Drake:

WHEREAS, Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Journal on September 15<sup>th</sup>, 2016.

WHEREAS, that the Town Board of the Town of Concord held a public hearing on Thursday, October 13<sup>th</sup>, 2016;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Concord does hereby adopt the 2017 Budget.

Voting as follows:

Councilman Drake	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye

Supervisor Eppolito                      Aye

The foregoing Resolution was thereupon declared duly adopted.

e) **Reappoint Lori Davie to Assessment Board of Review** – Motion by Councilman Zittel, seconded by Councilman Krezmien, to reappoint Lori Davie to the Assessment Board of Review for the term October 1, 2016 to September 30, 2021. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

f) **The Children’s League** – Supervisor Eppolito received a letter from the Children’s League. The League has started a Multi-Purpose Building Fund and is requesting any assistance in finding an architect to draw the rendering of the building and any funding. The Town cannot legally fund the project. Motion by Councilman Krezmien, seconded by Councilman Zittel, to receive and file the September 20<sup>th</sup>, 2016 correspondence. Councilmen Krezmien, Drake, Zittel & Snyder; Supervisor Eppolito, voting aye. Carried.

g) **WNY Snowmobile Club of Boston** - Supervisor Eppolito referred this matter to the Planning Board. Councilman Drake advised that this matter was discussed at the October 3<sup>rd</sup>, 2016 Planning Board meeting. The Planning Board made a motion to recommend that the Town Board accept the SEQRA after thorough review. Councilman Drake noted that Member Lux had voiced concerns about the Town being Lead Agency.

Councilman Drake moved the adoption of Resolution 17, seconded by Councilman Zittel:

WHEREAS, it has been determined by the Town of Concord that the information presented by the applicant in their SEQRA Submission-Town of Concord-Fall 2016, and the Short Environmental Assessment Form for Unlisted Actions Only that the proposed action will not result in any adverse environmental impact. The Town Board accepts the SEQRA and declare a negative declaration on the Unlisted Actions SEQRA.

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes Supervisor Eppolito to sign and date the Short Form Environmental Assessment Form on behalf of the Town as Lead Agency.

Voting as follows:

Councilman Drake	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Eppolito	Aye

The foregoing Resolution was thereupon declared duly adopted.

ITEM #6:      OLD BUSINESS

There was nothing for Old Business.

ITEM #7.      CONSENT AGENDA

- a) Coalition for Community Building 6/7/16 Minutes
- b) Coalition for Community Building 9/1/16 Minutes
- c) Springville Control Center 9/15/16 Minutes
- d) Erie Co. Water Quality Committee 9/21/16 Minutes
- e) CDBG 9/22/16 Minutes
- f) Town of Concord Agenda Packet – Master Plan Committee 10/5/16 Meeting
- g) Erie County Environmental Management Council 2016 Annual Recommendations Report, July 2016.

h) NY-Sun Zoning for Solar Energy: Resource Guide.

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

ITEM #8. COUNCILMAN NOTES

a) Councilman Zittel had attended the Control Center meeting and was asked about the status of gates on the 219 Expressway but shortly after that meeting the gates had been installed. Hwy Supt Dains noted that meetings will be held to discuss road closing operations. Hwy Supt Dains noted that the southbound 219 to Peters Road cannot be closed because the bridge is out.

b) Supervisor Eppolito attended a workshop on Solar Energy. There was not an example law available at the workshop. It was emphasized that Towns should not make their law too complicated because it makes the law too cumbersome. A lot of the details could be covered by the SEQRA process. He will continue to work on a draft local law.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Zittel, seconded by Councilman Snyder, and passed unanimously, to adjourn the meeting at 8:05 p.m. in memory of:

Kimberly M. Decker  
Terry M. Fornes  
Fredric E. Beatty  
Patricia A. Harshbarger  
Mary Jane Virginia  
Roger C. Schneckenburger  
Deborah L. Jozwiak  
Donald J. Lightcap  
Robert C. Cyr  
Bruce W. Joslin  
Patrick Heary

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Darlene G. Schweikert  
Town Clerk