

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

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

EXCUSED: JAMES M. KREZMIEN, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, DEPUTY TOWN CLERK
MICHAEL BARONE, TOWN ATTY
DENNIS M. DAINS, HWY SUPT
GEORGE DONHAUSER BARRY EDWARDS
ERIK KESTER CHRIS PROCTOR

INVOCATION DELIVERED BY DEPUTY TOWN CLERK SCHWEIKERT.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

ITEM #1 APPROVAL OF MINUTES

a) Public Hearing re: 2011 Fire Contracts – 10/14/2010 – Motion by Councilwoman King, seconded by Councilman Snyder, to approve the minutes as presented. Councilwoman King, Councilmen Salzler & Snyder; Supervisor Eppolito, voting aye. Councilman Krezmien, excused. Carried.

b) Public Hearing re: 2011 Preliminary Budget – 10/14/2010 – Motion by Councilman Salzler, seconded by Councilwoman King, to approve the minutes as presented. Councilwoman King, Councilmen Salzler & Snyder; Supervisor Eppolito, voting aye. Councilman Krezmien, excused. Carried.

c) Public Hearing re: CDBG – 10/14/2010 – Motion by Councilman Salzler, seconded by Councilwoman King, to approve the minutes as presented. Councilwoman King, Councilmen Salzler & Snyder; Supervisor Eppolito, voting aye. Councilman Krezmien, excused. Carried.

d) T/Bd Mtg– 10/14/2010 – Motion by Councilman Snyder, seconded by Councilman Salzler, to approve the minutes as presented. Councilwoman King, Councilmen Salzler & Snyder; Supervisor Eppolito, voting aye. Councilman Krezmien, excused. Carried.

ITEM #2 PUBLIC COMMENT

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

ITEM #3 MONTHLY REPORTS

Motion by Councilman Snyder, seconded by Councilman Salzler, to approve the Monthly Reports, Items a-d. Councilwoman King, Councilmen Salzler & Snyder; Supervisor Eppolito voting aye. Councilman Krezmien, excused. Carried.

- a) Code Enforcement Officer/Building Inspector Report
- b) Dog Control Officer
- c) Nutrition Site – September 2010
- d) Judge Gibbin – September 2010
- e) Fire Department

Hwy Supt Dains reviewed the Springville Volunteer Fire Company

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call report with the Board. Noted that the Fire Company had some discussion on the distressed properties in the Village (Elk Street vacant home, Bill's Sports Store and Springville Hotel).

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

1) Hwy Supt Dains noted that he had attended a meeting on Monday with the Town Engineers and the finalization of the Craneridge FEMA project is progressing well.

2) Hwy Supt Dains had a meeting with NITTEC regarding winter schedules with the DOT and the County. Discussed the opening of Route 219 extension which is scheduled for week of November 15th with the ribbon cutting on November 17th.

They also discussed notification protocols. NYS Police and the Erie County Sheriffs are the only ones that have authority to close the 219. Also discussed the message boards on the 219. They are to station one this year between Orchard Park and the 391 exit. Rice Road message board will still be there. They are trying to get one on the Cattaraugus County's end. It was also brought to their attention the limited sight distance at the Peters Road exit. Discussed the height differences between the old bridge which is about 187 feet to the bottom and the new bridge which is about 30 feet higher.

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

ITEM #4 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 1180-1237
General Fund B, abstract 11, bills 1238-1243
Library Fund, abstract 11, bills 1244-1246
Fire Protection, abstract 11, bill 1247
Joint Van, abstract 11, bills 1248-1249
Joint Youth, abstract 11, bill 1250
Craneridge Lighting, abstract 11, bill 1251
Craneridge Sewer, abstract 11, bills 1252-1254
Highway DA, abstract 11, NONE
Highway DB, abstract 11, bills 1255-1264
Kissing Bridge Water, abstract 11, bills 1265-1266
Kissing Bridge Sewer, abstract 11, bills 1267-1268
Trevett Rd. Water, abstract 11, bill 1269
Trust & Agency, abstract 11, bill 1270
Capital, abstract 11, bills 1271-1272

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

b) **Set Public Hearing re: Town Dog Law** – Supervisor Eppolito noted that he has been working on this law. He has a proposed law for the Board tonight. Town Atty Barone has not yet had a chance to look at this proposed law. Supervisor Eppolito noted that DCO Robinson has had a chance to go over this and has made some good changes to his proposed law. Supervisor Eppolito needs direction from the Town Board as to the fees to be charged. Each town decides their own fees. The Town currently charges \$5 for spayed/neutered dogs and \$13 for unspayed/unneutered dogs. There will be additional costs to the Town when the Town takes over from the State;

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including postage, dog tags (which the Town Clerks negotiated a price of \$.17/tag for the first order). Supervisor Eppolito would suggest \$7 for spayed/neutered and \$15 for unspayed/unneutered; an increase of \$2. As of October 13, 2010, the Town had 1402 spayed/neutered dogs; 345 unspayed/unneutered dogs and 11 purebred kennel licenses for a total of 1758 licenses. The Town will now be required to send out the notices to the dog owners. We may need to have additional office help in the Clerk's Office at least in the beginning. Since Supervisor Eppolito has been on the Board, the Town has raised kenneling charges a few dollars; the cost to take dogs to the SPCA has gone up. The way the proposed law is written, the fees charged can be changed by resolution, not by local law. Discussion about whether this covered DCO Robinson's salary (\$8,965/yr). Councilman Snyder noted that the DCO should not only be the burden of the dog owners. DCO Robinson also does nuisance control calls. Supervisor Eppolito noted that \$1 (spayed/neutered) and \$3 (unspayed/unneutered) of these fees would go to the State. Supervisor Eppolito advised that there are a few new additions in his proposed law: (1) there would be a \$2 discount for senior citizens; and (2) there would be no fee for service dogs; they would have to be licensed but the fee would be waived. Supervisor Eppolito noted that there is also a clause in the law for transfers of dogs into our Town from other towns in Erie County. Since we are close to Cattaraugus County, we would need to address this also. We would license these dogs with no fee until the end of their current license period from the last town. Discussed three year renewals and the difficulty of that with the rabies vaccination. Supervisor Eppolito noted that this is the proposed local law. The members should review the law and get their input to Town Atty Barone. Town Atty Barone noted that this is an addendum to our current ordinance. Supervisor Eppolito informed Mr. Kester that the Purebred licenses have not changed. The fee will remain the same. Mr. Kester noted that his only concern is that in past 53% of fees stayed with the Town, 30% went to the County and 17% went to the State. That 17%, does that stay with the Town now? Supervisor Eppolito noted that that will stay with the Town but our costs are going to be astronomical. Mr. Kester stated that we will have 17% already without raising the fees to help with the incurring costs. The Town pays the DCO's salary, mileage, cell phone, kenneling, SPCA charges.

Supervisor Eppolito informed the Board Members to get their input to Town Atty Barone. Supervisor Eppolito asked the Board Members to set the date for the Public Hearing for December 9, 2010 at 6:45 p.m. Motion by Councilwoman King, seconded by Councilman Salzler, to set the Public Hearing re: Town Dog Law for December 9, 2010 at 6:45 p.m. Councilwoman King, Councilmen Salzler & Snyder; Supervisor Eppolito voting aye. Councilman Krezmien, excused. Carried.

c) Public Notice to be read re: Agricultural District - Supervisor Eppolito noted that this Notice just had to be read publicly last month and this month and asked Councilwoman King to read the Public Notice 30-Day Period for Inclusion of Lands into the Agricultural District for 2010 as follows:

The Erie County Legislature on September 23, 2004 designated November 1st through November 30th as the annual thirty-day period during which land owners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district as per New York State Agriculture and Markets Law Section 303-b.

The Erie County Department of Environment and Planning (ECDEP) (Room 1063) at 95 Franklin Street, Buffalo, New York 14202 will accept applications for addition into an agricultural district.

Town Supervisors, Clerks and Assessors in Erie County and ECDEP at the above-mentioned address have copies of the application form to provide to any persons requesting them.

If you have any questions or problems concerning the 30-day period process, please contact ECDEP Planner John Opalka at (716) 858-6229.

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d) Set Public Hearing re: Special Use Permit Cell Tower - Supervisor Eppolito asked the Board Members to set the date for the Public Hearing for December 9, 2010 at 6:30 p.m. Motion by Councilman Salzler, seconded by Councilman Snyder, to set the Public Hearing re: Special Use Permit Cell Tower for December 9, 2010 at 6:30 p.m. Councilwoman King, Councilmen Salzler & Snyder; Supervisor Eppolito voting aye. Councilman Krezmien, excused. Carried.

Town Atty Barone noted that in regard to CEO Atkinson's April 27th, 2010, Crown Castle was misunderstood. A building permit is not required but a Special Use Permit is required. Crown Castle will have to pay the Town Engineer's fees. George Donhauser noted that one item to be reviewed by Town Engineer Alianello is the Bond. The minimum bond amount in our Code is \$50,000 to tear down the tower and dispose of the tower. He does not think that that amount will cover it. That is a minimum amount; the Board could ask for a higher bond.

e) Abandonment of Scoby Hill Road – Supervisor Eppolito informed the Board that the Town is going to be in a position where we are going to have to abandon a road, the top part of Scoby Hill Road. Supervisor Eppolito would like a motion authorizing Town Atty Barone to investigate the procedure for road abandonment. There may even be a Public Hearing involved. Hwy Supt Dains noted that since the inception of the slide, the State has never come to the Town Board to ask for them to abandon the section that they put the road through; that is the letter that we are waiting for. Supervisor Eppolito noted that the State feels that they are not required to do that. We will see what Town Atty Barone determines. Motion by Councilwoman King, seconded by Councilman Salzler, to authorize Town Atty Barone to investigate the procedure for road abandonment. Councilwoman King, Councilmen Salzler & Snyder; Supervisor Eppolito voting aye. Councilman Krezmien, excused. Carried.

f) Resolution Concerning Court Grant – Councilman Salzler informed the Board that the Justice Court had received a grant which they received furniture and filing cabinets. They were applying for another grant. They needed a Board Resolution to apply for one. Councilman Snyder moved the adoption of Resolution 26, seconded by Councilwoman King:

WHEREAS, The Town of Concord Court System services the needs of the N.Y.S. Department of Environmental Enforcement, the N.Y.S. Police, and the Erie County Sheriffs, and

WHEREAS, The Town of Concord Court System is continually interested in upgrading and improving its equipment in order to better serve not only the public, but also cooperating municipalities

NOW, THEREFORE BE IT

RESOLVED, That the Town Board of the Town of Concord authorizes the Concord Justice Court to apply for the Justice Court Assistance Program Grant to the maximum amount available.

Voting as follows:

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

ITEM #5 OLD BUSINESS

There was nothing for Old Business.

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ITEM #6 CONSENT AGENDA

Motion by Councilman Snyder, seconded by Councilman Salzler, to accept the Consent Agenda, Items a-d. Councilwoman King, Councilmen Salzler & Snyder; Supervisor Eppolito voting aye. Councilman Krezmien, excused. Carried.

- a) Springville Moose – Liquor Licence
- b) 10/5/10 Dairy Festival minutes
- c) SCENe 9/30/10 Minutes
- d) CIDA 2011 Budget

ITEM #7 EXECUTIVE SESSION

There was no Executive Session.

ITEM #8 COUNCILMAN NOTES

- a) Councilman Salzler informed the Board that they are moving forward on the ball park dug outs.
- b) Councilman Snyder informed the Board that Legislator John Mills would be at the library tonight to discuss County budget cuts to the library.
- c) George Donhauser asked if the Board would allow the Planning Board to purchase a training video and review it as part of their required training. Supervisor Eppolito said that that would be fine. Maybe we could even contact TVGA and see if they could come to a regular Planning Board meeting and do a training session. We could include the ZBA in this also.
- d) Supervisor Eppolito informed the Board that as of next year, Route 219 from Route 39 to Waverly Street, will become a Town road. The State is abandoning that portion of the road. Town Atty Barone will need to look into this. Prior to 1955 it was a Town road. The County will take over from Waverly Street to the high level bridges. There would be a break in the County road there. It is very possible that we could do a quid pro quo with the County and trade off plowing. Another question is, do they pay the highway tax now? It would then be a Town road. We might approach the County and see if we could swap roads so that they would do Scoby Hill Road.
- e) Supervisor Eppolito noted that the DOT says that they never took title to Scoby Hill Road so they would not be abandoning it. DOT feels that it was our road and we are abandoning it. Town Atty Barone will need to look into that. We will have to abandon it at some point because it is only about 100'. The blacktop goes to the Motorcycle Club. Supervisor Eppolito noted that half would go to Paul Hayden and the other half would go to the Motorcycle Club but we have to go through the correct process.
- f) Supervisor Eppolito discussed what would happen when Route 219 becomes a County road, does it become Route 219b (business district). Legally it would be Cascade Drive. It might not be good for the businesses there to have it known as Cascade Drive rather than Route 219.
- g) Supervisor Eppolito noted that the Town Christmas party is scheduled for December 21st. Please get your checks in during the next month. Judge Gibbin will contribute food as she did last year. We do invite everybody that works for the Town.
- h) Supervisor Eppolito noted that Nutrition Site luncheon for the Thanksgiving holiday is November 23rd.

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- i) Supervisor Eppolito informed the Board that there are some problems with Cattaraugus Street water. He had attended a workshop with Rural Development and was notified that it would be 2-5 years on the loans and he is not sure if the Village can wait that long. Those residents may have to look into annexing into the Village. The job is not doable without Rural Development help. Even if they annex to the Village, we do not lose the taxes, they would still pay Town taxes.
- j) Supervisor Eppolito also noted that the new section of Zoar Valley Road is zoned R-Ag which means that a house could be built on that road and we don't want homes built there. The only way we could get water and sewer out there is to annex that to the Village. Any development there would have to be annexed to the Village and if there are houses there, it would make that real difficult to do. Supervisor Eppolito asked Town Atty Barone to check into zoning for that area and put restrictive zoning there that would not allow homes to be built there. It was intended for commercial development; not residential.
- k) Supervisor Eppolito noted that the Kissing Bridge sewer repair appears to be holding. We spent about \$3,000 to repair the tanks out there. There are four tanks out there; we use two in the off season and all four in the winter.

ITEM #9 MOTION TO ADJOURN

Motion by Councilwoman King, seconded by Councilman Salzler, passed unanimously, to adjourn the meeting at 8:00 p.m. in memory of:

Lawrence A. Henry
Anne F. Hunchar
Lillian A. Heary
Charlotte Heary
Robert F. Derk
Grace M. Offerbeck

Darlene G. Schweikert