

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: MARY E. BOLT, TOWN CLERK
MICHAEL BARONE, TOWN ATTY
DENNIS M. DAINS, HWY SUPT
GEORGE DONHAUSER DONNA KRZES
MATT WAGNER ROBERT WAGNER
GERALD VELLA HANK DUWE
JUSTIN BROOMFIELD ANDREW BAZINET
CAROLYN ROBINSON DAVID GRAVES
BARBARA KRACHT STACEY STRSING
JACKIE SCHNEIDER JESSIE OWEN

INVOCATION DELIVERED BY TOWN CLERK BOLT.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

It was decided to open the meeting and hold the public hearing on the proposed dog law as the hearing on the cell tower had gone over.

Supervisor Eppolito opened the hearing on the proposed dog law. DCO Robinson had a question on the wording on the proposed dog fees on the resolution. It was worded that it was the \$7.00 spayed/neutered fee plus the state surcharge of \$1.00 or is it to be included. Also, on the unsprayed/unneutered \$15.00 fee and the state surcharge to be included. It does not read like that. Clerk Bolt agreed with her. Supervisor Eppolito stated that it did include the surcharge. Supervisor Eppolito had an amended resolution which was not provided to the clerk prior to the hearing. DCO Robinson felt that the clerk should have been given the correct information to show the public. The supervisor apologized. Clerk Bolt had provided the Board with figures on not increasing fees. She would like the fees not increased. The supervisor's secretary/bookkeeper had provided the Board with figures on keeping the fees the same and figures on increasing them. This, too, was not provided to the clerk prior to the hearing. Clerk Bolt did not have the opportunity to review these. The bookkeeper's figures showed that expenses were not being met. An increase was needed. Clerk Bolt did not agree. Supervisor Eppolito felt that the town was losing money at the current fees.

Supervisor Eppolito wanted to compliment DCO Robinson for the good job that she has been doing.

Motion by Councilman Salzler, seconded by Councilman Krezmien, to close the hearing at 7:25 p.m. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #1 APPROVAL OF MINUTES

a) T/Bd Mtg– 11/4/2010 – Motion by Councilwoman King, seconded by Councilman Snyder, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #2 PUBLIC COMMENT

Supervisor Eppolito noted that government students and boy scouts were in attendance. If at any time, they had questions, please ask.

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

ITEM #3 MONTHLY REPORTS

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

- a) Code Enforcement Officer/Building Inspector Report
- b) Dog Control Officer
- c) Nutrition Site
- d) Judge Gibbin – October 2010
- e) Judge Frank – October 2010
- f) Supervisor Report – September 2010

g) Fire Department – Chief Dains informed the Board that they had a meeting with NYTEC on winter maintenance and emergencies for the 219. From the new section to Catt County (Rt. 39 to the new bridge), will be the responsibility of Springville Fire Control, NYS police and Erie County Sheriff's. From Rt 219 to Peters Road, it will be West Valley, NYS police and Catt Cty Sheriff's. NYS DOT will look into signage, portable message boards. There have been some issues already. People are going on the wrong ramp. There are no lights at Peters Road. Safety is the main concern. What happens with bad weather. It is hard to see the signs.

Supervisor Eppolito wanted it known that Concord does have a contract with Boston Fire Company. There is a problem with the town of Boston and their contract.

- 1) Councilman Krezmien noted that Springville Fire Company has accepted the town's contract.

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

1) Supt. Dains noted that the light has been moved to the west on Zoar Valley Road. It is still needed on the other side. The cost of an additional light is around \$500. He would like the Board to approve another light. Motion by Councilwoman King, seconded by Councilman Salzler, to authorize the highway superintendent to contact the village to put up another light on the east side of Zoar Valley Road. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

2) Supt. Dains would like to do a speed reduction study on Scoby Hill Road. A resolution would need to be done by the Board, as well as the TE-9 form. Supervisor Eppolito had also received a request for Townsend Road from Heim Drive. Because he had not received a written request, he will wait until he does before the Board will take action. Supt. Dains would like the speed reduced to 45 mph. Councilman Krezmien moved the adoption of Resolution 27, seconded by Councilman Salzler:

WHEREAS, With the extension of the new Route 219, Scoby Hill Road was reconstructed, and

WHEREAS, Now there is a 90 degree curve and turn midway and a stop sign, and

December 9, 2010

WHEREAS, Motorists using Scoby Hill Road need to slow down with this being a safety concern to the Town Board

WHEREAS, The Concord Town Board would like to avoid any accidents by lowering the speed limit to 45 mph

NOW, THEREFORE BE IT

RESOLVED, That the Town Board does hereby request the New York State Department of Transportation to conduct a study to lower the speed limit to 45 mph on the new section of Scoby Hill Road.

Voting as follows:

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

2) Supt Dains informed the Board that the sections of Scoby Hill Road taken over by the State for the new expressway, the section on the upper end by the old 219 has to be abandoned. He has gotten maps and surveys regarding that area. He is still working on this.

Motion by Councilman Krezmien, seconded by Councilwoman King, to receive and file his reports. Councilwoman King, Councilmen Krezmien, Salzler & 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 Salzler, and reviewed by the Board.

General Fund A, abstract 12, bills 1273-1364
General Fund B, abstract 12, bills 1365-1375
Library Fund, abstract 12, bills 1376-1378
Fire Protection, abstract 12, NONE
Joint Van, abstract 12, bills 1379-1383
Joint Youth, abstract 12, bill 1384-1386
Craneridge Lighting, abstract 12, bill 1387
Craneridge Sewer, abstract 12, bills 1388-1394
Highway DA, abstract 12, NONE
Highway DB, abstract 12, bills 1395-1415
Kissing Bridge Water, abstract 12, bills 1416
Kissing Bridge Sewer, abstract 12, bills 1417-1418
Trevett Rd. Water, abstract 12, bill 1419
Trust & Agency, abstract 12, bill 1420
Capital, abstract 12, bills 1421

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

b) Set Date for Organizational Meeting – Supervisor Eppolito suggested that the Board hold it the same time as the regular meeting. He would like to move the date up. January 6th was suggested. The organizational meeting would be at 6:30 p.m. and the regular meeting at 7:00 p.m. No meeting, then, on the 13th. Discussion. Supervisor Eppolito noted that there are vacancies on a couple boards. He asked the Board for recommendations. Also, need a bingo inspector. Motion by Councilman Krezmien,

December 9, 2010

seconded by Councilwoman King, to set the organizational and regular town board meeting on January 6th, 2011 at 6:30 p.m. and 7:00 p.m. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

c) Agreement to Spend Highway Funds - Supt. Dains presented the agreement to spend highway funds to the Board. Councilman Snyder moved the adoption of Resolution 28, seconded by Councilman Salzler:

WHEREAS, Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways, and received from the State for the repair and improvement of highways, shall be expended as follows:

General Repairs – The Sum of \$229,268.91 may be expended for general repairs upon 24.22 CL miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewal thereof.

RESOLVED, That the Town Board of the Town of Concord does hereby authorize the Highway Superintendent to expend town highway funds as described above under General Repairs.

Voting as follows:

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

d) Cell Tower - Supervisor Eppolito noted that the public hearing had been held earlier and after much discussion, he was recommending tabling any action. Motion by Councilman Krezmien, seconded by Councilman Salzler, to table any action on the Crown Castle cell tower application for further legal review. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

e) Dog License Law – Supervisor Eppolito noted that the public hearing had been held earlier. Local Law No. 2 of 2010 had been reviewed by the Board. Councilman Salzler moved the adoption of Resolution 29, seconded by Councilman Snyder:

WHEREAS, by Part T of Chapter 59 of the Laws of 2010, the New York State Legislature amended the Agriculture & Markets Law of the State of New York to change New York State’s dog licensing requirements to make dog licensing a local government function and,

WHEREAS, the Dog Ordinance of the Town of Concord (Chapter 3 of the Code of the Town of Concord) must be amended to reflect these changes in State law, and

WHEREAS, amendments to Chapter 3 of the Code of the Town of Concord have been drafted to include these changes in State law and adoption of Local Law No. 2 of 2010 are as follows:

Addendum to Chapter 53 entitled, “Animals” Article III

Licensing and Identification of Dogs.

A. Licensing of Dogs.

All dogs within the Town of Concord being four (4) months of age or older shall

be licensed by the Town Clerk's Office. The owner of each dog required to be licensed shall obtain, complete and return to the Town Clerk's Office a dog license application, together with the license application fee, any applicable license surcharges and such additional fees as may be established by the Town Board of the Town of Concord. Each license application shall be accompanied by proof that the dog has been vaccinated against rabies or a statement from a licensed veterinarian that such vaccination would endanger the dog's life in which case vaccination shall not be required. Each license shall be valid for a period of one year from original issue date, and shall not be transferable.

B. License fees and Surcharges.

1. License fees and surcharges under this chapter shall be prescribed, from time to time, by the Town Board of the Town of Concord by resolution.

2. In the event that an owner of a dog which is licensed by another municipality in Erie County moves into the Town of Concord, he/she must obtain an identification tag from the Town Clerk's Office within thirty (30) days. In such instance, there will be no additional fee owing to the Town of Concord until such time as the license from the other municipality expires.

C. Identification of Dogs.

1. Each dog licensed by the Town shall be assigned, at the time the dog is first licensed, a municipal identification number. Such identification number shall be carried by the dog on an identification tag which shall be affixed to a collar on the dog at all times. The Town may exempt dogs participating in a dog show during such participation from this requirement.

2. No tag carrying an identification number shall be affixed to the collar of any dog other than the one to which that number has been assigned.

NOW, THEREFORE BE IT RESOLVED, that the Concord Town Board hereby adopts Local Law No. 2 of 2010. This local law shall take effect January 1, 2011.

Voting as follows:

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

1) **Resolution on Dog License Fees** – Councilman Salzler moved the adoption of Resolution 30, seconded by Councilman Salzler:

WHEREAS, Part T of Chapter 59 of the Laws of 2010, the New York Legislature amended by Agriculture & Markets Law of the State of New York to change New York State's dog licensing requirements to make dog licensing a local government function, and

WHEREAS, Amendments were made to the Dog Ordinance of the Town of Concord (Chapter 3 of the Code of the Town of Concord), effective January 1, 2011.

WHEREAS, In the Code of the Town of Concord (effective January 1, 2011), license fees, surcharges and impoundment fees shall be made by this Town Board, by resolution.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby establishes the following non-refundable license fees and surcharges and impoundment

December 9, 2010

fees for dogs under the Dog Ordinance (Chapter 53 of the Code of the Town of Concord) effective January 1, 2011:

1. For neutered and spayed dogs. An annual license of Seven Dollars (\$7.00) which includes a State surcharge of One Dollar (\$1.00), for each license issued or renewed by the Town Clerk for spayed or neutered dogs.

2. For unspayed and unneutered dogs. An annual license fee of Fifteen Dollars (\$15.00), which includes a State surcharge of Three Dollars (\$3.00), for unspayed or unneutered dogs.

3. No license fee shall be due or collected for applications submitted for any seeing-eye or guide dogs.

4. Any person wishing to replace a tag previously issued shall pay to the Town Clerk the sum of Three Dollars (\$3.00) for a replacement tag.

BE IT FURTHER RESOLVED, that this Town Board hereby establishes the following impoundment fees for dogs under the Dog Ordinance effective January 1, 2011:

First Impoundment	\$10/\$10 per day kennel fee
Second Impoundment (within 1 year of 1 st impoundment)	\$20/\$10 per day kennel fee
Third Impoundment (within 1 year of 2 nd impoundment)	\$30/\$10 per day kennel fee
If Veterinary Care Required	Cost of Care
Purebred Fees (Proof of rabies vaccination and Proof of registration for each must be presented)	\$25 up to and including 10 dogs plus state surcharge per dog
	\$50 up to and including 25 dogs plus state surcharge per dog
	\$100 over 25 dogs plus state surcharge per dog

Voting as follows:

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

f) Water Resource Association – Supervisor Eppolito had presented the Board with a letter with information on this. He had instigated this program on floods with a couple other towns, and noticed that we were not receiving funds. County legislators assisted them. It has now become an organization with the County. This allows them to go after grant funding. It will cost the town no money, only that each community agree to belong to this organization. The Buffalo Sewer Authority will part of this group. Funding will help with erosion along creeks and help shoreline erosion. This will also include Chautauqua and Cattaraugus Counties. Motion by Councilman Krezmien, seconded by Councilwoman King, to accept and agree to belong to the Erie County Water Quality Committee (ECWQC). Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

g) Declare equipment surplus – Supervisor Eppolito informed the Board that there is a list of surplus equipment. Town Clerk Bolt provided the following list:

Brother Typewriter EM611	-	Serial No.23612528
Brother Printer HL1850		
Brother Fax Intel 1270	-	Serial No. C17585462
Epson LG 570e printer	-	Serial No. CCBY291037
Brother Laser Printer HL5050		Serial No. U60564C3J272474
Broken desk chair		3 old town board chairs
Metal Desk		Wooden desk (aud)
Hallway fan		Wooden table
Wooden podium		2 computers –Compact disc 52X
		-Compact disc RW52-32-52
3 keyboards		Okidata printer #321
1 monitor		2 computers –Dell dimension #4100
		52X compact disc

Motion by Councilman Salzler, seconded by Councilman Snyder, to authorize the supervisor to destroy/sell the surplus equipment listed above. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

h) Re-appoint Deborah King to CIDA Board – Motion by Councilman Krezmien, seconded by Councilman Snyder, to re-appoint Deborah A. King to the Concord Industrial Development Board for a 5-year term. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

i) Re-appoint Kenneth Zittel to Planning Board – Motion by Councilman Salzler, seconded by Councilman Krezmien, to re-appoint Kenneth Zittel to the Planning Board for seven year term. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

j) Waive East Concord Vol. Fire Company Building Permit Fee – The East Concord Fire Company applied for a building permit to erect a gazebo on their grounds. They were requesting a waiver. Motion by Councilman Krezmien, seconded by Councilwoman King, to grant a waiver to the East Concord Fire Company for their building permit application to erect a gazebo. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

k) Library Funding Resolution – Councilman Snyder moved the adoption of Resolution 31, seconded by Councilman Salzler:

WHEREAS, The proposed Erie County Budget for 2011 includes cuts in funding to the Erie County Public Library System, which will negatively impact the Concord Public Library by potentially reducing the number of hours the library would be open to the public, and

WHEREAS, The Concord Public Library provides a valuable service to the residents of the Town of Concord and other surrounding communities by offering all the things a modern library can offer in a well maintained building in the heart of Springville, and

WHEREAS, The type of service that is provided to area taxpayers by the Concord Public Library is not provided anywhere else in close proximity to the Town of Concord or the Village of Springville, there is not public transportation to other local libraries from the Town of Concord and many people cannot afford to travel longer distances for library use, and

WHEREAS, The Concord Public Library is very well utilized by senior citizens often in the morning, by local working patrons during lunch or dinner breaks, by local youth after school, and by families in the evenings, and

WHEREAS, Many patrons use the computers and free internet access offered by the Library to search for jobs, which is a very important service provided by the Concord Public Library, especially during this bad economy, and

WHEREAS, Other important programs offered to the local community by the Concord Public Library, such as adult computer classes, the summer kids program, and pre-school story hour are in jeopardy of being cut, and

WHEREAS, The Town of Concord has recently made significant investments in the building and grounds of the Concord Public Library, including complete replacement of the heating system and a new roof, and would like this significant taxpayer investment in these facilities utilized to their fullest extent, and

WHEREAS, The Concord Public Library is already currently open for only 35 hours a week, the minimum number of hours recommended by the New York State Library Charter

WHEREAS, The Town of Concord Town Board understands that difficult decisions regarding the Erie County budget must be made in light of the difficult economy we are facing, we understand that taxpayers do not want to see taxes rise and want local government to control spending, but believe that there are many other options to achieve these important goals without cutting funding to local libraries, and

WHEREAS, The Town of Concord Town Board understands that the taxpayers in our community pay a significant amount of taxes at the local and county level and receive a few certain basic services in return, one of which is our local library, a cut in funding and hours would hurt local residents in the Town of Concord, Village of Springville, and surrounding communities

NOW, THEREFORE BE IT RESOLVED, That the Town of Concord Town Board does NOT support the current cut in funding to the Concord Public Library through the Erie County Public Library System in the proposed 2011 Erie County Budget.

Voting as follows:

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

l) Clerk Funding Request – Town Clerk Bolt informed the Board that she will need perforated paper for the new dog licenses. She could obtain the paper for a cost of \$143.85 for a 3-year supply. This would last more than one year. Motion by Councilman Krezmien, seconded by Councilman Snyder, to direct the bookkeeper to prepare a check for \$143.85 for Xpedx for the purchase of perforated paper. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

m) Permission to Plow Historical Society Store – Supt. Dains had received a request to have the highway plow the historical society mercantile parking lot. This would be paid for by their budget. Motion by Councilwoman King, seconded by Councilman Salzler, to allow the town highway department to plow the Historical Society mercantile at a cost to their budget. This would be at the same rate as the library. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

ITEM #5 OLD BUSINESS

There was nothing for Old Business.

ITEM #6 CONSENT AGENDA

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

- a) 2009 Financial Report
- b) Southtowns Meals on Wheels Minutes- 11/9/2010

ITEM #7 EXECUTIVE SESSION

Motion by Councilman Salzler, seconded by Councilman Snyder, to go into executive session at 8:05 p.m. to discuss pending litigation and a personnel issue.

a) Leslie Gibbin to address the Board.
Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

Motion by Councilman Krezmien, seconded by Councilman Salzler, to come out of executive session at 9:07 p.m. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

ITEM #8 COUNCILMAN NOTES

a) Councilman Salzler noted that they would like to have the other dugouts at the community park done. In talking to the bookkeeper, she stated that there is not the funding at this time. Looks like it will have to be done in the spring.

b) Councilman Krezmien informed the Board that the gas line at the town hall had to be replaced. The custodian was here. Councilman Krezmien had been contacted by Brian Sheret that the Rural Transit Van was not running when the weather was bad. It was on TV but it did not need to be cancelled here. Supervisor Eppolito had spoken with the van supervisor. There had been numerous phone calls. He suggested that it be listed on WSPQ. This will be done. He also noted that the van is 3 years old and has 95,000 miles on it.

c) Supervisor Eppolito informed the Board that he had received a thank you from Margaret Mayerat for putting in a new kitchen at the old library.

d) Supervisor Eppolito had been in the Historical Society mercantile. It is neat and has different Concord/Springville items. Stop in and see it.

ITEM #9 MOTION TO ADJOURN

Motion by Councilwoman King, seconded by Councilman Salzler, to adjourn the meeting at 9 15 p.m. in memory of:

Charlotte Roncska
Normand Nason
Edna Neureuther
David F. Palermo

Mary O. Sion
Jean Ciszak Maciejewski
JoAnne Swales
James F. Heary

