

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

April 12, 2012

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

EXCUSED: DEBORAH A. KING, COUNCILWOMAN

ALSO PRESENT: DARLENE SCHWEIKERT, Town Clerk
MICHAEL F. BARONE, Deputy Town Atty
DENNIS M. DAINS, Hwy Supt
CAROLYN ROBINSON, Dog Control
GEORGE DONHAUSER
DONNA KRZES
ETHAN WATERMAN
BRIAN PINCOSLEI

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

ITEM #1. APPROVAL OF MINUTES

a) Town Board Meeting – 3/8/2012 - Town Clerk Schweikert noted that the Minutes needed to be amended to show that Deputy Town Attorney Michael Barone was not in attendance. Motion by Councilman Salzler, seconded by Councilman Krezmien, to approve the minutes as amended. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye; Councilwoman King, excused. Carried.

b) Public Hearing re: Waterman Special Use Permit 3/27/2012- Motion by Councilman Krezmien, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye; Councilwoman King, excused. Carried.

c) Special Town Board Meeting – 3/27/2012 – Motion by Councilman Snyder, seconded by Councilman Salzler, to approve the minutes as presented. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye; Councilwoman King, excused. Carried.

d) Bid Opening re: Spring Trash Pickup – 4/2/2012 – Motion by Councilman Salzler, seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye; Councilwoman King, excused. Carried.

ITEM #2. PUBLIC COMMENT

Donna Krzes addressed the Board regarding borrowing equipment from the Lions Club Loan Closet. Councilmen Krezmien and Salzler are members and provided her with the necessary information.

Brian Pincoslei, Store Manager of Peebles, invited those in attendance to the grand opening ribbon cutting ceremony to be held Wednesday, April 18th at 8:45 a.m. Supervisor Eppolito welcomed Mr. Pincoslei to the Town.

Motion made by Councilman Salzler, seconded by Councilman Snyder, to close Public Comment. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye; Councilwoman King, excused. Carried.

ITEM #3. MONTHLY REPORTS

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

a) Code Enforcement Officer/Building Inspector Report and Addendum.
 b) Dog Control Officer – DCO Robinson thanked the Board and the Springville Volunteer Fire Department for arranging the Free Rabies Clinic to be held on Tuesday, May 22nd from 4 – 7 p.m. This is an on-going approval from the Fire Department so there will be no approvals needed for future clinics.

- c) Nutrition Site February 2012
- d) Judge Gibbin Report – February 2012
- e) Judge Frank Report – February 2012

f) Fire Department - Hwy Supt Dains had received a request from the fire department asking if the Town of Concord could use their asphalt roller to roll the lawns of Firemen's Park. This has been done in the past. Motion by Councilman Salzler, seconded by Councilman Krezmien, to allow the highway department to use the asphalt roller to roll the lawns of Firemen's Park. Hwy Supt Dains noted that he will do this on his own time. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye; Councilwoman King, excused. Carried.

Hwy Supt Dains reminded those in attendance that the annual BBQ is Sunday, April 15th starting at 11:30 a.m.

Supervisor Eppolito noted that Mortons Corners Fire Department did a nice job with their Installation Dinner and reminded the members that the East Concord Fire Department Installation Dinner is April 22nd. Both companies are celebrating 65 years.

g) Highway Superintendent Report. Hwy Supt Dains read his filed report.
 1) Hwy Supt Dains further explained the work on Smith Road. He met with Mark Alianello this matter. A core sample taken at the crest of the hill showed a lot of silt so they will probably have to cut that about 4 feet which will take the crest off and make for better side visibility. The road will be closed to traffic at the time the highway department does the cold mix process. Hwy Supt Dains has been in contact with all the landowners and once the final design is done, he will meet with each landowner to determine where they want their egress into their property.

2) Hwy Supt Dains requests the Board's permission to attend the Annual Highway School held at Ithaca College from June 10th to June 13th, 2012. Motion by Councilman Snyder, seconded by Councilman Salzler, to allow Hwy Supt to attend Annual Highway School at Ithaca College. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye; Councilwoman King, excused. Carried.

3) Hwy Supt Dains noted that the highway garage needs to be re-pointed and painted. Joe Krzemien did this last about 7 or 8 years ago. Discussion about possibility of siding and insulation. Hwy Supt Dains wants to point it this year and he will get an estimate to side it. Hwy Supt Dains also noted that he will check the roof of the highway garage. The roof was last done when Hwy Supt Drozd was here. It's a flat rubber roof. Discussion about a new roof with a pitch and the possibility of a grant.

4) Supervisor Eppolito noted that Phil Drozd had contacted him and advised that the County wants to re-negotiate their contract. With the changes in the County, we never got the contract signed last year but we operated on a handshake. The County will not proceed that way this year and they want to re-negotiate the contract. Hwy Supt Dains will be meeting with David Behm, Deputy Commissioner of Highways, and they will discuss this matter.

Motion by Councilman Salzler, seconded by Councilman Krezmien, to approve the fire department report and the Highway Superintendent Report. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye; Councilwoman King, excused. 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 4, bills 290-376
 General Fund B, abstract 4, bills 377-390
 Library Fund, abstract 4, bills 391-394
 Fire Protection, abstract 4, NONE
 Joint Van, abstract 4, bills 395-396
 Joint Youth, abstract 4, bill 397
 Craneridge Lighting, abstract 4, bill 398
 Craneridge Sewer, abstract 4, bills 399-405
 Highway DA, abstract 4, NONE
 Highway DB, abstract 4, bills 406-429
 Kissing Bridge Water, abstract 4, bill 430
 Kissing Bridge Sewer, abstract 4, bill 431
 Trevett Rd. Water, abstract 4, bill 432
 Trust & Agency, abstract 4, NONE
 Capital, abstract 4, NONE

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

b) **Award Spring Trash Pickup Bid** – Supervisor Eppolito noted that two bids had been received. Nu Way Sanitation had the lowest bid at \$16,000. The price is higher than last year's \$12,444. Motion by Councilman Snyder, seconded by Councilman Salzler, to award the Spring Trash Pickup Bid to NuWay Sanitation for \$16,000. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye; Councilwoman King, excused. Carried. Discussion as to a Fall Trash Pick Up. The cost of the Fall Trash Pick Up is not warranted by the amount of trash that was picked up last Fall. There will be no Fall Trash Pick Up. This will be noted in the advertisement for the Spring Trash Pick Up.

c) **Award Mowing Proposal** - One RFP was received for the mowing of the Spaulding Road Cemetery; Nature's Pride bid for the 2012 season is \$725. Motion made by Councilman Krezmien, seconded by Councilman Salzler, to award the mowing bid Nature's Pride for \$725. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye; Councilwoman King, excused. Carried.

d) **Resolution for IDA** – Supervisor Eppolito noted that the goal of Erie County is to do away with all independent IDAs and also force upon us a County-wide Planning Board. Discussion about how this bill only applies to Erie County IDAs and not the whole State. There are meetings being held where the towns with IDAs are not being invited.

Councilman Krezmien moved the adoption of Resolution 5, seconded by Councilman Salzler:

TOWN OF CONCORD RESOLUTION

WHEREAS, the Town of Concord has worked closed with the Concord Industrial Development Agency (CIDA) in the areas of business growth, business retention and job creation; and

WHEREAS, the CIDA has played a major role in helping to preserve and expand our town's tax base adding to our overall quality of life; and

WHEREAS, the Town Board has relied on the CIDA for valuable input in formulating economic development policies for our community, as well as input into community development planning, land use issues and the development of businesses and jobs in the Town of Concord; and

WHEREAS, the Town Board continues to look to the CIDA to play a primary role in assisting development strategies for the expansion and retention of businesses and jobs in the Town of Concord; and

WHEREAS, many towns are experiencing the need to develop new economic develop strategies for dealing with vacant properties and areas that have experienced dis-investment and view their local IDAs as a major participant in developing those policies and programs for designing selected “Re-Development Zones” and serving as lead agency for encouraging new investment and projects within those zones; and

WHEREAS, recent developments point to the crucial role local IDAs will pay in developing policies that balance environmental protection with the need for economic development and removing legal and bureaucratic barriers to economic development and job creation; and

WHEREAS, the County of Erie and the Buffalo Niagara Partnership have advanced the “Framework for Regional Growth” (FRG) as a regional growth strategy promoting growth within the existing sewer districts, most of which are located in areas serviced by a local IDA and will require the active participation of that IDA to implement the goals for the FRG; and

WHEREAS, currently efforts are underway by the Erie County Industrial Development Agency to streamline and coordinate existing economic development incentives, programs and policies to better integrate the specific redevelopment needs of brownfields and greyfields and the coordination of new regional commercial and retail development policies to focus on matching markets with redeveloped and re-usable properties; and

WHEREAS, several municipalities have undertaken the adoption of comprehensive land use plans and the reform of existing zoning to facilitate commercial and industrial reuse and revitalization which will involve the active participation of local IDAs; and

WHEREAS, proposals are now being advanced by various elected officials at the local and state levels that would severely restrict the role and tools available to local IDAs to assist their respective communities with these critical issues;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord opposes any legislative attempt at the local or state level that would alter, modify or abolish the current operation of the Concord IDA WITHOUT local IDAs participating as equal partners in any discussions to revise, reform or change the current system and structure of addressing economic development policy; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to the Governor of the State of New York, every member of the West New York State Senate and Assembly delegation, the Erie County Executive and the members of the Erie County Legislature.

Voting as follows:

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

e) **Municipal Town Clerk's Proclamation** – Supervisor Eppolito noted that April 29 through May 5, 2012 is Municipal Clerk's Week. Councilman Krezmien read the Proclamation. Councilman Krezmien moved the adoption of Resolution 6, seconded by Councilman Salzler:

**PROCLAMATION
MUNICIPAL CLERK'S WEEK
APRIL 29 THROUGH MAY 5, 2012**

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among servants; and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all;

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community;

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, province, county and international professional organizations;

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk;

NOW, THEREFORE, the Concord Town Board recognizes the week of April 29 through May 5, 2012 as Municipal Clerk's Week, and further extend appreciation to our Municipal Clerk, **Darlene G. Schweikert**, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

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WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community;

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education

programs, seminars, workshops, and the annual meetings of their state, province, county and international professional organizations;

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk;

NOW, THEREFORE, the Concord Town Board recognizes the week of April 29 through May 5, 2012 as Municipal Clerk’s Week, and further extend appreciation to our Municipal Clerk, **Stephanie A. Bacon**, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Voting as follows:

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

f) **Waterman’s Gravel** – Supervisor Eppolito noted that Mark Alianello, Town Engineer, and Deborah & Michael Barone, Town Attorneys, have prepared and reviewed the Resolution. Councilman Krezmien moved the adoption of Resolution 7, seconded by Councilman Salzler:

Resolution of the Town Board of the Town of Concord, NY

WHEREAS, Gregory P. Waterman, the owner of property at 12316 Route 240 in the Town of Concord, has made application to the Concord Town Board for a modification of his existing Special Use Permit for the purpose of expanding the mining of sand and gravel and material processing at his property on the west side of Route 240 opposite Davis Hill Road pursuant to Article XIX and Article XXXIV of the Town of Concord Zoning Law (Zoning Law) and,

WHEREAS, Waterman has also applied to New York State Department of Environmental Conservation (NYSDEC) for a Mined Land Reclamation Permit Under Article 23, Title 27, of the Environmental Conservation Law (ECL) of New York State and,

WHEREAS, NYSDEC has, in fulfilling its responsibilities as lead agency for the State Environmental Quality Review (SEQR), carefully considered the potential environmental impacts of the proposed expansion of mining at the Waterman property and,

WHEREAS, Waterman has fully participated in this SEQR including the development of a Scoping Document which included a Public Scoping Meeting held at the Town Hall in the Town of Concord on August 11, 2010, and the preparation in cooperation with NYSDEC of the subsequent Draft Environmental Impact Statement (DEIS) dated August 1, 2011, and the preparation of a Final Environmental Impact Statement (FEIS) which was accepted by the NYSDEC on November 2, 2011 and,

WHEREAS, the Town of Concord Supervisor was actively involved in the SEQR pursuant to his responsibilities as defined in Section 150-104 of the Zoning Law including attendance at meetings at the offices of NYSDEC, site visits to the property with the Town Engineer, the NYSDEC, and property owners, written correspondence with NYSDEC, the Erie County Health Department, and Waterman’s consultants and,

WHEREAS, NYSDEC concluded the SEQR process with the issuance of a Statement of Findings dated November 17, 2011 summarizing the facts and conclusions relied upon to support their decision and finding that the action approved is one which minimizes or avoids adverse environmental impacts to the maximum extent possible, and

that, to the maximum extent practicable, adverse environmental impacts revealed in the SEQR process will be minimized or avoided by incorporating the mitigation measures identified as conditions to the decision and,

WHEREAS, NYSDEC has issued Mined Land Reclamation Permit ID 9-1438-00011/00001 effective 12/2/2011 for the expansion of the gravel mining operation at the Waterman property and,

WHEREAS, the Planning Board of the Town of Concord has reviewed the application for the modification of the Special Use Permit including the SEQR documents cited above and the Findings Statement issued by NYSDEC, and has heard comments from the public at its meeting conducted to review the application and,

WHEREAS, the Planning Board of the Town of Concord has recommended to the Town Board that the modification of the Special Use Permit be approved and,

WHEREAS, the Town Clerk referred the application to the Erie County Division of Planning (the County) on March 10, 2012 pursuant to Section 239-b of the New York State General Municipal Law and the County responded on March 19, 2012 stating no comment as the action was considered to be only of local concern and,

WHEREAS, the Town Board properly noticed and conducted a Public Hearing on the matter at 7 PM on March 27, 2012 at the Town Hall of the Town of Concord and,

WHEREAS, the Town Board has fully considered the DEIS and the FEIS, having considered the facts and findings presented by NYSDEC, the presentations of Waterman, the comments presented by concerned citizens at the Public Hearing and throughout the process,

THEREFORE BE IT RESOLVED, that the modification to the existing Special Use Permit requested by Gregory P. Waterman be hereby approved with the following conditions:

1. All activities shall strictly conform with the plans approved by NYSDEC under the referenced permit consisting of the following items: Waterman Gravel Mine Expansion Mined Land Use Plan (Revised May 31, 2011), found in Appendix 5 (Book 2) of the DEIS dated August 1, 2011, including the narrative and accompanying Mining Plan Map, Reclamation Plan Map and Cross Sections dated May 21, 2011.
2. The Life of Mine Limits shall be restricted to those areas shown on the referenced Mined Land Use Plan including the setbacks and buffers depicted on that plan.
3. Water or other approved dust palliatives shall be applied to haulage ways and other parts of the mine as often as necessary to prevent visible dust from leaving the mine property.
4. The hours of operation shall be limited to 6 am to 8 pm as defined in the referenced NYSDEC permit.

Voting as follows:

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

ITEM #5. OLD BUSINESS

1. Julie Moriarty has submitted her resignation as the Secretary to the Code Enforcement Officer. The position is being advertised and interviews will start shortly. Motion by Councilman Salzler, seconded by Councilman Krezmien, to accept Julie Moriarty's resignation with regrets. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye; Councilwoman King, excused. Carried.

2. Supervisor Eppolito informed the Board that the closing on the land purchase is getting close. He has also heard that People Inc. are also ready to go with their building.

3. Deputy Town Attorney Michael Barone noted that he had talked with Hodgson Russ today and it appears the matter regarding the well has all been settled. Deputy Town Attorney Barone noted that a memorandum should be forthcoming in this matter.

Motion made by Councilman Snyder, seconded by Councilman Salzler, to close Old Business. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye; Councilwoman King, excused. Carried.

ITEM #6. CONSENT AGENDA

- a) Justice Court Operations Audit.
- b) Rural Transit Minutes 3/7/12
- c) Felton Burns Post 5260 Liquor License
- d) Southtowns Community Enhancement Coalition Minutes 3/1/12
- e) WNYSSB Sign Template
- f) Control Center Minutes 3/15/12
- g) Assemblyman Magnarelli re: IDA reform

Motion made by Councilman Snyder, seconded by Councilman Salzler, to approve the Consent Agenda, Item a-g. Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye; Councilwoman King, excused. Carried.

ITEM #7. COUNCILMAN NOTES

1. Supervisor Eppolito noted that the Village of Springville received a bill for \$23,000 from Erie County. His understanding is that when taxes are not paid, we turn them over to the County and the County reimburses the Town, School or Village. That keeps three different municipalities/agencies from having to foreclose. There were two properties in the Village that were foreclosed on and the County had already reimbursed the Village for five years of taxes over the years. Now that those properties have been sold by the County, the County has forgiven the back taxes and now the County is telling the Village they have to pay the County back. It appears that this may happen to the Town too. The County has forgiven the taxes; not the municipality. The Village is checking into this matter.

2. Councilman Salzler wanted to thank the Bicentennial Committee for all their efforts with the birthday party. There was a good turnout for the event. The Committee did a great job.

3. Councilman Snyder informed the Board that he had attended a Central Task Force meeting. There are federal budget cuts.

4. Councilman Snyder noted that the Library Board wanted him to Express their thanks to the Town Board. The library does appreciate what the Town does. They were asking about the tree planting location. Supervisor Eppolito will have the Bicentennial Committee take a walk and get their input. The tree being donated is a Silver Maple Tree. Discussion about the characteristics of this type of tree: fast growing

tree which tends to be weak with snow weight and winds. Also discussed the Black Walnut Tree planted at the Town Hall. Ethan Waterman offered the Town a different type of tree, possible a Crimson Maple, if the Town would so desire. The Board thanked Mr. Waterman for his offer. Also discussed Arbor Day and the possibility of getting seedlings to hand out at the Arbor Day celebration.

5. Councilman Snyder informed that the Board that Laura Clark will be resigning from the Library Board this Fall.

6. Supervisor Eppolito will be contracting with Mark Alianello, Town Engineer, and Carol Horowitz to update our Code Book with regard to simplifying our zoning and also Home Occupations. This should be done all at once so that it can be sent to General Code as a package. Supervisor Eppolito will also get Ken Zittel, Planning Board Chairman, involved. The maps will have to be redone to show the changes.

7. Supervisor Eppolito also informed the Board that he has been in contact with Time Warner to have a new line installed at the Town Hall. The Town Clerk's Office DEC computer and the DMV computers have been having connection problems. This line drop is fee but there will be a \$75/month charge for this line. Brian Tomczyk will be working with Gerwitz McNeil to do some electrical work to assist in this matter. The DMV is threatening to leave the Town if this problem does not get resolved. If this line does not work any better than the T-1 line, we can cancel the monthly service.

8. Supervisor Eppolito informed the Board that he will be meeting with Mark Alianello on Monday to discuss Craneridge Sewer. Discussion about the possibility of combining the two sewer districts into one if federal monies ever open up.

9. Supervisor Eppolito is continuing to work on the E-drop trash pickup. Hoping to do it here at the Town Hall. Once he has more information, he will bring it back to the Board.

10. Supervisor Eppolito advised he had received a call from Mike Sacramento, Erie County Senior Services, about Southtowns Meals on Wheels. Marty McMahon may not be continuing with this program. Supervisor Eppolito doesn't want this program to end. The Town of Concord may have to pick up the running of this program. If so, he may be asking the Board to give Denise Ciszak a little more money because she will be getting more duties. There is discussion about combining the Towns with the Village of Springville program as well. The Town also has the Nutrition Site. Discussed the meals available and the costs for both the MOWs and Nutrition Site.

11. Supervisor Eppolito noted that no one has submitted a bid for the Town Hall trim and fascia painting. He will advertise again more widely. Supervisor Eppolito also pointed out that the Town Hall building has a water problem. The line comes in at the corner of the building on Mechanic Street near M&T Bank and goes under the building to the restrooms. The pipes are rusty and may be leaking. Tom Randall, plumbers, are trying to resolve this matter.

12. Supervisor Eppolito noted that Virginia Krebs, SCENe, and Sharon Mathe, Healthy Community Alliance, will be speaking to the Board at next month's meeting.

ITEM #8. MOTION TO ADJOURN

Motion by Councilman Krezmien, seconded by Councilman Salzler, and passed unanimously, to adjourn the meeting at 8:30 p.m. in memory of:

Isabelle Charles
Marilyn Dye
Wilma Saunders
Janette Emerling
David Tuttle
Madeline Cranston
Robert "Doc" Dygert
George R. Milks
Robert Reighard

Darlene G. Schweikert
Town Clerk