

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

PRESENT: GARY A. EPPOLITO, SUPERVISOR
JAMES M. KREZMIEN, COUNCILMAN
PAUL F. SALZLER, COUNCILMAN
DEBORAH A. KING, COUNCILWOMAN

EXCUSED: WILLIAM F. SNYDER, III, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, DEPUTY TOWN CLERK
DEBORAH BARONE, DEPUTY TOWN ATTY
DENNIS M. DAINS, HWY SUPT.
GEORGE DONHAUSER CAROLYN ROBINSON, Dog Control
BARRY EDWARDS CHRIS PROCTOR, Springville Journal
WILLIAM NELLIS, Assessor RUBY BRUCE, Assessor's Clerk

INVOCATION DELIVERED BY DEPUTY TOWN CLERK SCHWEIKERT.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

ITEM #1. APPOINTMENT OF DEPUTY TOWN ATTORNEY

Supervisor Eppolito asked the Board consider the appointment of Deborah Barone as our Deputy Town Attorney at no additional cost. Motion made by Councilman Krezmien, seconded by Councilman Salzler, to appoint Deborah Barone as our Deputy Town Attorney at no additional cost. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried. Supervisor Eppolito congratulated Deborah Barone on her appointment. We are happy to have her come on board.

Supervisor Eppolito noted that we have two very important people at the meeting tonight. Supervisor Eppolito asked William Nellis to explain why he was here tonight. Mr. Nellis advised the Board that in September 2011, the New York State Assessor's Association met in Buffalo and as part of their regular business they give out awards across the state to deserving people. Mr. Nellis nominated Ruby for the Susan U. Howarth Award. This award is in memory of the wife of the past General Secretary of the New York State Assessor's Association. This award was established for a staff member who had been on the job for a minimum of nine years in the Assessor's Office and who served with confidence, won the appreciation of peers, and reflects credit upon the entire assessor's community. Ruby received a plaque noting this language. She has 32 years' experience in Mr. Nellis' office, is the current Assessor in the Town of Colden, and is Mr. Nellis' assistant in the Town of Ashford and is well rounded and certified. At the present time there are three certified Assessors in our Assessor's office. Mr. Nellis wanted to show the Board her plaque and let the Board know that Ruby had received this recognition. The Board members congratulated Ruby. Supervisor Eppolito noted that he has the privilege of working next door to the Assessor's Office and there are certain jobs in Town government that are a bit thankless. Sometimes the Assessor's Office is the bearer of bad news. Sometimes people are not the happiest people when they go into the office and yet Ruby manages to diffuse a lot of that when they come. She is the front line. Supervisor Eppolito thanked Ruby and noted that he appreciated her service; she does a great job. All the Board members thanked Ruby.

ITEM #2. APPROVAL OF MINUTES

a) T/Bd Meeting – 9/8/2011 – Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

October 13, 2011

b) Special T/Bd Meeting – 9/26/2011 – Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

ITEM #3. PUBLIC COMMENT

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

ITEM #4. MONTHLY REPORTS

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

a) Code Enforcement Officer/Building Inspector Report

b) Dog Control Officer. DCO Robinson wanted the Board to be aware that she has an individual who has been slandering her name in public places in that DCO Robinson killed her dog by exposing it to a viral disease. She thinks the slandering will end but wanted to bring this information to the Board's attention. This individual feels that she has killed her dog but that is not the case. Supervisor Eppolito noted that he has worked with DCO Robinson long enough to know that that is not true. DCO Robinson noted that she disinfects the kennel and the State inspects the kennel. She thanked the Board. Supervisor Eppolito noted that DCO Robinson has a tough job and thanked her for her services. DCO Robinson also noted that there was an individual who falsified a rabies certificate after the dog had bitten someone. The Health Department got involved in this matter.

c) Nutrition Site Coordinator-August 2011

d) Judge Frank – August 2011

e) Judge Gibbin – August 2011

f) Judge Frank – September 2011

g) Judge Gibbin – September 2011

h) Supervisor Report – August 2011

i) Fire Department. Hwy Supt Dains advised that all Departments participated in the Great Escape Night last night. Springville Fire Department did apply for two AFG grants this year. One for turn-out gear, ten complete sets and also a second grant for a new ambulance. East Concord and Mortons Corners submitted grants too. He also noted that their gun raffle went well.

Supervisor Eppolito also noted that there was an outstanding event the other night for two fine, dedicated firemen: Duke Dains and John Lipoff were honored.

j) Highway Superintendent Report - Hwy Supt Dains highlighted items from his filed Report into the Minutes.

1. The cost of road salt came down this year.

2. Hwy Supt Dains thanked the Board for allowing him to attend the State Association of Town Highway Superintendents meeting in Buffalo.

3. Hwy Supt Dains will be attending a New York State Local Highway Inventory Meeting on October 18th in Lockport.

4. Hwy Supt Dains advised that the notice has been sent to the Journal in regards to seasonal abandonment of highways. This is the same notice as last year. Randall Drive, the lower section; Smith Road, the gravel section; and White Street, on the hill. This notice will be in next Thursday's Journal.

October 13, 2011

5. Hwy Supt Dains advised the Board that he has the results back from the surplus equipment and he needs the Board's acceptance for the approval of the items that were sold and the amount.

- (1) 2001 International Dump Truck \$36,300.00
- (2) 1989 Ford F750 Bucket Truck \$4,173.00
- (3) Blaw Knox Paver \$2,250.00
- (4) 1996 Brush Hog Angle Blade \$1,525.00

Motion made by Councilman Krezmien, seconded by Councilman Salzler, to approve the Auction bids with Auctions International for our surplus equipment. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Supervisor Eppolito congratulated Hwy Supt Dains on the sale of these items. Hwy Supt Dains noted that he researched this procedure and knew that Erie County used Auctions International and the money that they got for the equipment was exceptionally well and he thinks we did well.

6. Hwy Supt Dains referred the Board to his October 5th letter regarding the sander body on the 2002 International. We knew going out of last winter that we would need some steel work to do on it and we started it earlier this month and we realized that we are in for more than we bargained for. The main frame where the cross member supports are welded has severe cracks. The cross member supports are rusted through where they are welded to the main frame and the sander chain is also rusted through. The pivot points for the side dump sander has one of three points broken through completely and in essence the body is not safe to use and is not cost effective to repair looking at time and materials. The sprocket and gears that control the sander chain movement are also in need of replacement. There are some parts that can be salvaged such as the lift cylinders, gear box and side dump cylinders and Everest parts are interchangeable with one another and it is his recommendation that the dump body be replaced with a like model from Everest. Replacing it with Everest will utilize the sander equipment already on the chassis and not incur any additional retrofit on equipment. He had provided the Board with a copy of the estimate from Valley Fab to do this work and installed on the chassis it will be \$26,699.20. Hwy Supt Dains spoke with Town Attorney Barone and this could be considered a repair to the truck because we are using like equipment and with the Board's permission to go ahead and move forward on this, we could also utilize the sale of the surplus equipment to cover the cost of this and still have money left over. Supervisor Eppolito asked Hwy Supt Dains if by doing this it would give us several more years from the truck and Hwy Supt Dains noted yes, it would. He explained that we do not have a truck figured into the budget for replacement at this point in time and next year would be an opportune time to try to work another truck into the budget. The 1998 Sterling is the back up we have now. That is showing, with age, considerable rust on the body too. His line of thought would be to get this one repaired. Mechanically this truck is sound. If we repair this one now, then when it came time for another new vehicle to come in, then we would sell the Sterling and then move this truck to the back up position. Supervisor Eppolito wondered if any other Everest dealer around and since there is none, Valley Fab is the only Everest dealer.

Motion by Councilman Krezmien, seconded by Councilman Salzler, to authorize the Hwy Supt to repair the 2002 International, per the \$26,669.20 estimate of Valley Fab, utilizing several parts on the truck as Hwy Supt Dains noted above. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Hwy Supt Dains noted that the body of the truck would then be sold as scrap.

7. Hwy Supt Dains advised that next week he is meeting with Gary Z. from Erie County to go over their proposal on the roads that the County would like the Town to take over. Nothing has come to fruition yet or been completed 100 percent. There has been no contact from the State DOT in regards to Cascade Drive. We don't know who will maintaining it this winter. The County has a copy of the proposed inter municipal memorandum in regards to contracting the County to plow that section 5/10ths, 6 lanes with straight salt.

October 13, 2011

8. Hwy Supt Dains noted that last week he had a meeting with Denise Ciszak and Laura Landers and closed out the FEMA project from 2010. Excess funds would go back to the highway.

Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the Fire Department Report and the Highway Superintendent Report. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried

ITEM #5. NEW BUSINESS

a) Appropriation Changes. Councilman Krezmien read the Appropriation change from Denise Ciszak, bookkeeper. All funds have been received from the FEMA for the Storm of 2009. In a meeting with Laura Landers, Town CPA, the 12.5% that needs to be contributed to the repairs from the Craneridge Sewer District was figured to be \$34,354.19. Given the fact that this was not a budgeted item in the 2011 budget, now we need to transfer from the Unreserved Fund Balance to cover this expenditure.

The following budget entry must be approved:

Debit to SS1-599	\$34,354.19
Credit to SS1-9901.9	\$34,354.19

Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the above Appropriation Change. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried

b) 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 1101-1185 & 1242-1243
General Fund B, abstract 10, bills 1186-1193
Library Fund, abstract 10, bills 1194-1198
Fire Protection, abstract 10, NONE
Joint Van, abstract 10, bills 1199-1201
Joint Youth, abstract 10, bill 1202
Craneridge Lighting, abstract 10, bill 1203
Craneridge Sewer, abstract 10, bills 1204-1213
Highway DA, abstract 10, NONE
Highway DB, abstract 10, bills 1214-1230
Kissing Bridge Water, abstract 10, bills 1231-1232
Kissing Bridge Sewer, abstract 10, bills 1233-1236
Trevett Rd. Water, abstract 10, bill 1237
Trust & Agency, abstract 10, bills 1238-1239
Capital, abstract 10, bills 1240-1241

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

c) Cold Spring Construction – Vaughn Street Pit (Wendel Pit) - Supervisor Eppolito noted that Cold Spring Construction had submitted the Mining Permit Renewal initially noting Sharp Street Pit but that was in error. It was for the Wendel Pit. The Planning Board asked Denise Ciszak to check into this matter and Denise called Cold Spring Construction and verified that it was for the Wendel Pit.

Motion by Councilman King, seconded by Councilwoman King to approve the Cold Spring Construction – Vaughn Street Pit (Wendel Pit) Mining Renewal. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

October 13, 2011

d) Resolution for CDBG - Supervisor Eppolito asked the Board for a resolution on the CDBG naming the Rural Transit Van as our only project.

Councilman Krezmien moved the adoption of Resolution 22, seconded by Councilwoman King:

WHEREAS, that the Town Board of the Town of Concord held a public hearing on Thursday, October 13th, 2011;

NOW, THEREFORE BE IT

RESOLVED, That the Town Board of the Town of Concord selects the following projects in the Erie County Consortium Community Development Block Grant program in the following order:

1. Rural Transit Service
2. No Project
3. No Project

Passed this 13th day of October, 2011, with voting as follows:

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

e) Approve 2012 Budget - Motion by Councilman Krezmien, seconded by Councilwoman King, to accept the 2012 tentative budget as the preliminary budget. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

Councilwoman King moved the adoption of Resolution 23, seconded by Councilman Salzler:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Concord does hereby adopt the 2012 Budget.

Voting as follows:

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

f) Bicentennial Committee - Supervisor Eppolito noted that there have been meetings for the past three Fridays regarding the Bicentennial celebration. Joe & Jean Maul; Supervisor Eppolito, Derek Otto, Joan Taylor, David Batterson, Louis Starr. They will be the Steering Committee. They will be coordinating the bicentennial celebration. Supervisor Eppolito is asking the Board for a motion to appoint a Steering Committee consisting of the names listed above (and any others that may want to join) as the official committee for the Town of Concord Bicentennial. Supervisor Eppolito stated that the feeling of the committee now is to have one big event. March 20th is the official birth date of our town and we would have a birthday party here on that day; birthday cake, unveiling a few items and then kick off the bicentennial. Joan Taylor will tie in the Dairy Fest. They are hoping that other groups will pick up different activities. There will be a calendar in the Conference Room upstairs. Derek will be keeping a web page and have a calendar there. They would welcome others to join also. Councilman Salzler would like to be on the Steering Committee too.

October 13, 2011

Motion by Councilwoman King, seconded by Councilman Salzler, to form the steering committee as noted above. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

g) Sprague Brook Park Voting - Supervisor Eppolito noted that he has received several complaints as Sprague Brook Park as a voting place. It is dark, dangerous and hard to get to. People just don't want to go out there. Matt Willibey had noted that the East Concord Fire Department did charge a small fee for the Board of Elections to use their hall. Supervisor Eppolito had spoken with Robin Sion at the BOE about the complaints. Ms. Sion indicated that there will be some temporary lighting there and some paving done and it will be a much safer place. The Sprague Brook location is handicap accessible. We will see what happens at the General Election and if it is not adequate then we will contact the Board of Elections again.

h) Picketing Law – Supervisor Eppolito distributed some documentation about picketing which was given to Supervisor Eppolito as a citizen request. Deputy Town Attorney Barone noted that this will demand a little research through the Association of Towns.

i) John Mills – Supervisor Eppolito noted that Legislator Mills was to attend our November meeting but he will be out of town and will attend our December meeting.

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

ITEM #6. OLD BUSINESS

There was no Old Business.

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

ITEM #7. CONSENT AGENDA

- a) Kissing Bridge Liquor License
- b) Springville Chamber Minutes 9/1/2011

Motion by Councilman Krezmien, seconded by Councilwoman King, to receive and file the Consent Agenda, Item a-b. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

Supervisor Eppolito distributed other items for the Board's review:

- a) Waterman NYS DEC Notice of Completion
- b) WNY Dairy/Agricultural Festival Minutes 10/11/11. Supervisor Eppolito noted that he may come to the Board and see if the Town could come up with a few dollars if the Village could come up with some additional money for the skate park. The kids are working hard and the Skate Park is used all the time.
- c) Collaboration over Consolidation – IDA
- d) Ridge View Townhouses Inc October 7, 2011 letter to the Planning Board
- e) Erie County Water Quality Committee Minutes 09/21/11
- f) Association of Erie County Governments Minutes 08/25/11

October 13, 2011

ITEM #8. EXECUTIVE SESSION

There was nothing for Executive Session.

ITEM #9. COUNCILMAN NOTES

1. Councilman Salzler wanted to thank Hwy Supt Dains for his good results on the sale of the equipment.
2. Councilman Salzler welcomed Deborah Barone.
3. Councilman Salzler questioned if the Townwide Trash Pick up was coming up. It starts next Monday, October 17, 2011.
4. Councilwoman King & Councilman Krezmien concurred with Councilman Salzler and had nothing new to add.
5. Supervisor Eppolito thanked Hwy Supt Dains for all his hard work on FEMA project.
6. Supervisor Eppolito thanked Deborah Barone for joining us.
7. Supervisor Eppolito also thanked everyone for their efforts on the budget process.
8. Supervisor Eppolito noted that he has heard the Grace Gentner is not doing well and if anyone would like to send her a "thinking of you" card, he has the address in his office. Town Clerk Bolt also has the address.

ITEM #10. MOTION TO ADJOURN

Motion by Councilman Salzler, seconded by Councilwoman King, passed unanimously, to adjourn the meeting at 7:45 p.m. in memory of:

Joan M. Bobseine
Sue Phillips
Arthur Kenyon, Jr.
Beatrice L. Dinse
Richard A. Smith
Hattie E. Dille
Lawrence F. Pajak
George W. Klahn

Darlene G. Schweikert