

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

July 8, 2010

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: DARLENE G. SCHWEIKERT, DEPUTY TOWN CLERK
MICHAEL BARONE, TOWN ATTY
DENNIS M. DAINS, HWY SUPT
CAROLYN ROBINSON CHRIS PROCTOR
DONNA KRZES

INVOCATION DELIVERED BY DEPUTY TOWN CLERK SCHWEIKERT.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

ITEM #1 APPROVAL OF MINUTES

a) T/Bd Meeting – 6/10/2010 – Hwy Supt Dains noted that the Minutes at Item #3, Monthly Reports, needed to be amended to include item (h) Highway Superintendent Report in the approval. Motion by Councilman Snyder, seconded by Councilman Salzler, to approve the minutes with that amendment. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #2 PUBLIC COMMENT

Donna Krzes addressed the Board. She had contacted the Town regarding the box springs and mattress dropped off on Middle Road and wanted to thank whoever was responsible for getting them removed. Supervisor Eppolito noted that he called the County of Erie and they removed it after he made a phone call and called in a favor.

Carolyn Robinson addressed the Board and noted that another new build has gone up on Trevett Road between Genesee and Route 39. She wanted to know if there was any update on the speed reduction request. The TE-9 was sent in and it will take approximately 3 months before we hear anything.

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

- a) Code Enforcement Officer/Building Inspector Report
- b) Dog Control Officer
- c) Judge Gibbin – May 2010
- d) Judge Frank – May 2010
- e) Supervisor Report – April 2010
- f) Supervisor Report – May 2010

g) Fire Department – Supt. Dains noted that the fire department meeting will be on Monday and he had no report to file at this time.

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h) Highway Superintendent Report - Hwy Supt Dains read his filed report. Hwy Supt Dains also noted that he had an update on Truck #13 which is down at Emerling's Valley Fab for warranty work on the body. They called today and to advise that they had found some more deterioration in one of the side rails and that doesn't fall under warranty but as long as we are at this stage and doing some repairs on it, we are going to continue with that side rail repair on that and it will go to sandblast and paint after that. Other than that, the highway has been busy.

Motion by Councilman Krezmien, seconded by Councilwoman King, to receive and file his report. 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 Councilwoman King, and reviewed by the Board.

General Fund A, abstract 7, bills 668-734 & 780
General Fund B, abstract 7, bills 735-743
Library Fund, abstract 7, bills 744-751
Fire Protection, abstract 7, NONE
Joint Van, abstract 7, bills 752-753
Joint Youth, abstract 7, bills 754-756
Craneridge Lighting, abstract 7, bill 757
Craneridge Sewer, abstract 7, bills 758-760 & 781
Highway DA, abstract 7, NONE
Highway DB, abstract 7, bills 761-776
Kissing Bridge Water, abstract 7, bill 777
Kissing Bridge Sewer, abstract 7, bill 778
Trevett Rd. Water, abstract 7, bill 779
Trust & Agency, abstract 7, NONE
Capital, abstract 7, NONE

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

b) **Ambulance Agreement** – Supervisor Eppolito explained that he has been working on this with Jay Smith from Rural/Metro Medical Services. It does not entail any changes in money so he doesn't know if we need to have a Public Hearing on this. Town Atty Barone reviewed Paragraph #9 where it is stated that they reserve the right to negotiation with the Town for a financial subsidy during the term of this agreement. Supervisor Eppolito noted that we could take that out of the agreement. Further discussion. Town Atty Barone noted that this is a three year agreement, see Paragraph #14 and it automatically removes for one year periods unless either party provides 30 days notice. Rural/Metro may terminate this agreement at anytime upon 30 days notice to the Town. Perhaps what we should add there is that either party may terminate the agreement. Supervisor Eppolito noted that he had not wanted to approve this agreement tonight without Town Atty Barone having a chance to review it. Town Atty Barone noted that he had carefully read it and those were some of the suggestions that he had. Supervisor Eppolito asked Town Atty Barone to make those changes and send them back to Jay Smith. Town Atty Barone wanted Hwy Supt Dains to shed some light on Page 10 Emergency Standby. What does that mean? Hwy Supt Dains noted that is when we have a working structure fire, mass casualty incident, hazardous material situation, and any other such emergency. They provide advanced life support. They provide the ALS unit from the onset of the call until they are released by the Chief. They are the primary transport unit in a situation like that. Town Atty Barone asked if they provide emergency service to the firemen at no cost? Hwy Supt Dains noted yes. Town Atty Barone will ask his wife, since she understands insurance better than he does, about Exhibit B. It states that Rural/Metro does not purchase underinsured/uninsured motorist

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coverage as allowed by law. He will check into this to see what ramifications that has. Town Atty Barone will send Jay Smith a letter. Supervisor Eppolito asked the Board and Hwy Supt Dains to review the agreement and get any comments to Town Atty Board. This will be put on the agenda for the August meeting.

c) NYS Retirement - Supervisor Eppolito noted that he needs to pass this Resolution. This is based on the information that was turned in by the people involved. This is required by the State Comptroller's Office. The law is pretty clear on what we can credit and if your time changes, if you are in the retirement system, then you can re-do this so that you can increase the time. What is here is what people turned into us. We are not a policing agency. We will need to post this on our website. This is the new law and we have to pass it tonight to be in compliance. Councilman Salzler moved the adoption of Resolution 18, seconded by Councilman Salzler:

STANDARD WORK DAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the Town of Concord hereby establishes the following as standard work days for elected and appointed officials and report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Clerk of this body:

ELECTED OFFICIALS:

Councilman James M. Krezmien SS#1120 Reg No 34346551, Standard Day 6, Term 01/01/10-12/31/13, Time Keeping No, Day/Month 3.14

Town Justice Leslie J. Gibbin SS#7495 Reg No 41742833, Standard Day 6, Term 01/01/10-12/31/13, Time Keeping No, Day/Month 5.20

Hwy Superintendent Dennis M. Dains SS#3163 Reg No 38000964, Standard Day 6, Term 01/01/10-12/31/13, Time Keeping Yes, Day/Month 20

On this 8th day of July, 2010

I, Mary E. Bolt, Clerk of the governing board of the Town of Concord of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 8th day of July, 2010, on file as part of the minutes of such meeting and that same is a true copy of thereof and the whole of such original.

I further certify that the full board consists of five members, and that 5 such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of Concord.

Voting as follows:

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

d) Request from Southtown Scenic Byways donation \$3,500 -

Supervisor Eppolito gave some background to the Board. Bob Lennartz has been working on the Scenic Byways for approximately 8 years now. They have received a couple grants. The Scenic Byways is an organization that will allow us to promote everything from Orchard Park south. There are several towns involved. The latest grant

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received is an 80/20 split. The federal government puts up 80% and the Town puts up 20%. That comes to \$16,000. Mr. Lennartz is asking, if possible, each town would contribute \$3,500 towards that. Basically the Village of Springville is really big and they have already contributed \$500. He asked \$500 from the Villages and \$3,500 from the Towns to come up with the \$16,000. He does not know what the other towns are going to do. We are one of the first to act on this. The Town does have the money in the B Account if the Board does decide to donate. He is excited about for a couple of reasons. This will put us in the I Love New York booklet. It does help the small businesses. This has nothing to do with Rails to Trails. Councilwoman King asked how much marketing value we can get out of this and Supervisor Eppolito believes we can get quite a bit because it goes into the State. He would recommend the Board do, if we do decide to donate the \$3,500, that we make it contingent upon the other towns also contributing. So if the other towns contribute, then we will too; but we will not just send a check for \$3,500. If they would do it, then we will pay our share. It is good; we have so many things here and we just don't market well. This is a one-time thing. The Scenic Byways have tried some money raising things on their own. Supervisor Eppolito noted that he believes we have an obligation to support them but again if we decide to give them the \$3,500, we do it contingent upon the other towns also contributing their share. Councilman Salzler asked if Supervisor Eppolito had the meeting with the other towns yet. Supervisor Eppolito noted that there is a meeting tonight in Orchard Park. Supervisor Eppolito noted that Legislator Mills is instrumental in this also. It is going to grow and it is a good thing for our community. They even have talked about including Allegany State Park, Scoby Hill dam, gambling. It is a whole area; a whole destination for people. Right now it only includes Erie County. Councilman Snyder noted that there are a lot of things that government spends money on that he doesn't agree with but this is probably one of the things that we should do to support our local businesses especially with the 219 going through now; if we can get more people to get off the 219 and come into town. Supervisor Eppolito noted that they Scenic Byways is also thinking about an information booth at the end of the 219. Right now we have the Chamber but the Chamber is in the Village and it is not open all the time. Councilwoman King noted that she would be in favor if we put the contingency that the other towns also contribute. Motion by Councilman Snyder, seconded by Councilwoman King, to contribute the \$3,500 to the Southtowns Scenic Byways program contingent upon most of the other towns contributing. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

e) Town Park Lights – Supervisor Eppolito deferred this to Councilman Salzler and we don't have to make a decision on this right away. Councilman Salzler was involved with the lights originally. What it comes down to is do we want to spend \$9,000 to buy an extended warranty for a 10 year period. Councilman Salzler asked Hwy Supt Dains if we had any equipment that could reach up there and we do not. Not sure if the Village has any equipment. Our warranty is up. Councilman Salzler noted that it is basically for changing the bulbs. Supervisor Eppolito noted that we don't have to decide tonight; we need to make a decision by September. We could check with Gerwitz & McNeil and see their costs. Councilman Krezmien noted that the warranty says that they will change all the bulbs. It notes that all lamps covered under this contract will be replaced in the 10th year of service. Councilman Snyder noted that the lights really don't get much use; not what they are designed for. Councilman Krezmien noted that we have had some problems but Councilman Salzler noted that it was mostly breakers. Councilman Salzler said his suggestion is to let them change the bulbs and then maybe we can contract out some of the other work. This contract does not expire until November 22nd so Councilman Salzler will talk to Gerwitz & McNeil and see what his thoughts are.

ITEM #5 OLD BUSINESS

There was nothing for Old Business.

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ITEM #6 CONSENT AGENDA

There was nothing for the Consent Agenda.

ITEM #7 EXECUTIVE SESSION

There was nothing for Executive Session.

ITEM #8 COUNCILMAN NOTES

- a) Supervisor Eppolito noted that he does have the final reports on the Cattaraugus Street water district. There is a lot of paperwork that needs to be completed. We are applying for a \$325,000 loan for that water district. Diane Spears at Municipal Solutions is working with us and Hodgson Russ on this project.
- b) Supervisor Eppolito noted that July 15th there is a forum of the Springville Community Group. They may want to expand from the school and maybe do some things in the community.
- c) Town Attorney Barone wanted to let the Board know that he is working on an Easement Agreement with the Crane Ridge Association and the sewer district. Hwy Supt Dains had contacted him a couple weeks ago to let him know that the highway was on property in Crane Ridge and it was decided that the best thing to do since the highway department will probably be going over Crane Ridge common property fairly frequently in this on-going sewer reclamation project is to do a general easement over all the common properties. Town Attorney Barone contacted Crane Ridge's attorney Leonard Berkowitz and it was agreed that that was the way to proceed. An agreement was drawn up and is being reviewed now. The sewer map is not very clear. The attorneys will be meeting and look at the map and see how we can clarify it. Then the Crane Ridge Association will vote to give the Town a blanket easement over the common properties so we will not have to get an easement every time we need to repair a sewer.
- d) Supervisor Eppolito noted that the bids have come in on the Kissing Bridge and they came in well under the estimate of \$180,000. It came in about \$128,000.
- e) Supervisor Eppolito wished Councilman Krezmien and Councilwoman King happy birthdays.
- f) Councilman Krezmien asked about the Town Hall roof and Supervisor Eppolito noted that we are waiting. The contractor has 120 days, so by the end of August is the deadline. They will be here a couple of days.
- g) Supervisor Eppolito displayed to the Board the drawing that presented to the Town from the Springville School District. It will be hanging in the upper hallway. It was done by a student by the name of Quinn Wyman.
- h) Councilman Salzler wanted to know if anyone attended the July 4th celebration because he was out of town. Councilman Krezmien said it was great but he would recommend that they do away with the fireworks on the infield. Too many buildings and it blocks the view. Councilman Salzler asked whether it can be increased because we are getting bigger and bigger crowds. Supervisor Eppolito noted that the Village would have to agree to it also. We do a half hour show. Keep this in mind at budget time.
- i) Councilwoman King noted that the Relay for Life town team made approximately \$850 which was great since we started really late. We will start sooner next year by selling raffle tickets in January. Supervisor Eppolito thanked Councilwoman King and Town Clerk Bolt for coordinating the team. It is great to see the community come together. The Lions Club cooks the food for the event.

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ITEM #9 MOTION TO ADJOURN

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

Beth Szymanski
Sally Jo Harris
William Garlock
Paul M. Smith
Joan A. Bork
Robert F. Buffum
Eddie Buchanan
Ronald Farner
Fred E. Seward

Darlene G. Schweikert