

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
MICHAEL BARONE, TOWN ATTY
DENNIS M. DAINS, HWY SUPT.

MATT WILLIBEY	CAROLYN ROBINSON
GINNY KREBS	BILL KREBS
GEORGE DONHAUSER	JESSIE OWEN
JAN MATTISON	NINA HANSEN

INVOCATION DELIVERED BY DEPUTY TOWN CLERK SCHWEIKERT.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

Supervisor Eppolito noted for the Minutes that Councilman Snyder has been excused because he has a work obligation. He is out of town and could not get out of this obligation.

ITEM #1. APPROVAL OF MINUTES

a) T/Bd Meeting – 9/9/2010 – Motion by Councilman Krezmien, seconded by Councilman Salzler, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

b) Special T/Bd Meeting – 9/20/2010 – 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.

c) Special T/Bd Meeting – 9/27/2010 – Motion by Councilman Salzler, seconded by Councilman Krezmien, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

ITEM #2. PUBLIC COMMENT

a) Supervisor Eppolito noted that Ginny Krebs and Jan Mattison were here for a specific purpose and we will let them talk first. Mrs. Krebs noted that she has been going around to different Senior Centers in the last year even one in Pennsylvania. She had a notebook with photos and details. That is what she wanted to address. She handed out a flyer with background information about who they are: SCENE which stands for Springville Concord Elder Network. Supervisor Eppolito noted that about four years ago we started as a group with Dolores Biscup, Esther Lunde, Margaret Ireland and Nina Hansen and met with Dave Saunders. They came forward with the idea that we really needed some sort of assisted living in our area because our residents were leaving after they lived in our area all their lives and had no place to go when they could not live in their homes any more. They met for four or five years and got a grant and we did a study and it showed a need in this area but that it was not financially feasible. But it showed that we needed to do something. Eventually this grew into what we now call SCENE. SCENE came back with a report and it was obvious that we have a lot of services in town but they are all over the place and there is a need to do better.

Mrs. Krebs noted that Jan Mattison and Nina Hansen are the co-directors and that she was hired in December as their coordinator. They started with a grant that

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SCENE got through the Community Health Foundation of Western and Central New York. They gave SCENE a \$15,000 grant for this year to establish and coordinate services, identify what is available and what is not available and then try to coordinate that since the Town does not have a director or a department of senior services.

Mrs. Krebs read the following: "The Springville Concord Elder Network is a group of volunteers who have been advocating since 2007 for the elders in our community. We understand that people want to stay in their own homes here in the town of Concord as they age. However, increasingly we have seen our friends and older neighbors move out of state or just down the road to Orchard Park and Hamburg to access senior housing and services.

According to SCENE's two community surveys, quality of life for seniors in Concord is inadequate. Our senior services are fractured without a senior services department and a director of services. SCENE is working to address the coordination of services. The senior citizens group that receives the bulk of tax dollars for senior services offers travel opportunities and some speakers. We have seen that senior centers offer far more to elders. It is a central location for information. Everyone knows where to go to find out about anything to do with seniors.

Now Town of Concord seniors take their dollars to other communities to access the types of activities that senior centers offer. Activities like: college level educational opportunities, health and fitness, nutrition, recreation such as card playing, crafts, ceramics, wood-working, and travel opportunities, computer access and training, tai chi and meditation classes. Senior centers are mostly staffed by volunteers. The East Aurora Senior Center had more than 40,000 visits last year. Granted they were the same people often but still for a town of less than 10,000 people which is similar to Concord, you can see how much the Center was used.

SCENE members have been travelling to senior centers in Western New York and Pennsylvania to learn about the form, function and funding of senior centers. Senior services is a Town function that taxpayers in both the Village and the Town pay. As people are living longer, are better educated and have more disposable income, the senior of today expects to have at least the same recreational opportunities that are available for the youth of our community.

Now we have learned of a wonderful opportunity for the seniors living in the Town of Concord. People Inc. is planning on building beautiful, modern, safe senior apartments for lower income seniors on Waverly Street.

I was at the Village Planning meeting when People Inc. presented their plans in detail and it is a wonderful planned development. SCENE members have met with Rhonda Frederick, CEO of People Inc. and the Director of Housing Jocelyn Bos to confirm that these apartments would be accessible, safe and add to the value of our community and our housing stock. We toured two of the senior facilities that People, Inc. has built and maintained.

The first one, Holly Place, opened last year and is designed like the one planned for Springville. The second was the Iris Apartments in Hamburg built over 20 years ago by People, Inc. It was their first project. At that one they featured a senior center that was built by People, Inc. but is now rented to the Town of Hamburg for \$1 a year. People Inc. maintains the grounds and the buildings, the Town of Hamburg Department of Senior Services staffs and manages the programming at the Center.

From our discussions with People Inc. we are convinced that the new senior complex offers the Town of Concord an opportunity like we have never had before and may never have again. Rhonda Frederick told us that they and their architects would partner with the Town in building a senior center in conjunction with the apartments. Since the building is funded by HUD, time is important. Therefore, we urge the Board to appoint a committee to contact Rhonda Frederick and pursue the possibility of working with them

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and find out just what they meant when they said they could partner with us to build a senior center.

The Supervisor has told me that he intends to purchase 5 acres behind the proposed People Inc. apartments in hopes to put up two buildings a senior center and a town hall. (Supervisor Eppolito interrupted and told her that the Town is trying to purchase 5 acres.)

I am volunteering my time and the staff of SCENE with the intent to offer senior services to assist the Board in any way I can. SCENE has identified the need with quantitative data about the number of people who use a senior center and what they would like to see in it. People Inc. has also identified the need for housing and senior services. Their data showed that we had a greater need than Orchard Park, East Aurora or West Seneca. In fact, we are getting the planned apartments that were going to go in Orchard Park. They found that there are 2500 seniors that are over 62 years of age within a 5 mile radius of the Village of Springville. I would imagine in the whole Town of Concord that has got to be more than that. That is a huge need and the hopeful thing, the exciting thing is that this is for lower income housing but that the other builders would follow. It is just like for some reason they never knew we were here. They have the connections and they will put us in touch with the people who can do more which I think would be wonderful. They toured and they have photos on the centers that are organized and they have a volunteer network that is ready to help work.

SCENE supports the Town Supervisor's vision of building a Concord Senior Center but believes that form follows function and that the actual form of the Center should take will follow the activities that we decide will take place in that building.

It also makes sense to us that partnering creates a greater good. Partnering stretches dollars and makes use of diverse talents. SCENE partners with the Healthy Community Alliance of Gowanda, the Neighborhood Alliance Initiative that includes 8 neighborhoods in the City of Buffalo and Niagara. They help us find out how to run our community and what we can do for our community and we share what is going on here. We also partner with the Community Health Foundation of Central and Western New York. They believe in partnering and we would like to see partnering.

To sum up: the purchase of land to build a senior center is exciting and will add to the quality of life and the economic impact that older pocketbooks bring to the community. SCENE urges the Board to look at all the options in building a center including partnering with People Inc.”

Supervisor Eppolito thanked Mrs. Krebs. His understanding that the Board will have to deal with is the fact that People Inc. is under the gun for time. Mrs. Krebs noted that they need to make sure everything is set and in the works for their apartments by the end of the year because it is HUD money. That means that they need to have the permits and the property cleared for purchase. Mayor Krebs noted that the People Inc. has been to the Planning Board twice. First informally and last time they had almost a site plan. The rezoning issue has to be done. A local law will probably be introduced on Monday night and the question to be addressed is how much land to rezone into R-M which will allow for multiple housing, the community center and things. That chunk of land is zoned as a Planned Industrial Development right now. In the meetings with People Inc. the idea that perhaps more than just the proposed senior housing could be built and that made the Village think that it requires rezoning. Trying to predict how much land should be rezoned. The Planning Board was interested not just in the senior housing but maybe that will be a good area for some other multiple dwelling housing. Mayor Krebs explained that the R-M districts function as a floating zone. There is no chunk of land designated for all the apartments to be in one location. So if a developer comes in, they look at that area and change at that time.

Supervisor Eppolito thanked Mrs. Krebs.

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b) George Donhauser addressed the Board. He has a couple issues that he knows the Supervisor and Town Attorney Barone have been involved in. One is the junkyard on Mortons Corners Road (where Ray Geitter used to live) that is being developed. There are several others in the Town. Mr. Donhauser noted that it should never have been allowed to get to this point because now there is so much stuff there. The other item is the tower on the Smith property on Genesee Road. He had heard that Supervisor Eppolito, CEO Atkinson and Town Attorney Barone determined that it was repair and he is trying to figure out how it is repair when they are going to tear down the tower that is currently there and build a whole new structure. That is not repair; that is replacement. Supervisor Eppolito noted that he is not remembering that one at all. Town Attorney Barone noted that he bases his recommendation on what CEO Atkinson tells him. Mr. Donhauser noted that just last year they had the tower inspected and it passed inspection except for a couple of cotter pins and a tightening of some cables; which they did. Since that tower was put there, now the Town has a telecommunications law which requires a \$50,000 bond; this company is escaping all of that. There is no inspection because they are calling it maintenance. Supervisor Eppolito noted that we have to look into that. Town Attorney Barone noted that certainly when they renew their license, we can require them to do that but retroactively we cannot apply new laws. Mr. Donhauser noted that now they are building a brand new tower. Town Attorney Barone noted that that would come under our current tower law if they are building a new tower but they may have a different take on it so it is something that CEO Atkinson ought to look into. If they are building a new tower, it should be a new application. Mr. Donhauser does not understand how it can be called repair. Supervisor Eppolito noted that we will have CEO Atkinson look into it. Town Attorney Barone noted that if in fact they are re-building that tower that should have been a new application and they would fall under the new law. Mr. Donhauser noted that this tower is under a Special Use Permit and now they are building a whole new tower with no Special Use Permit, just their old one. Town Attorney Barone noted that they would be in violation and they would need to be cited and a stop work order should be issued.

Supervisor Eppolito noted that he has had other complaints about junkyards. He has a little fear of that because we have a lot of places around town that are the same thing. In the past, CEO Atkinson has gone out to talk to the people and in most cases, the residents have been very nice about it. Mr. Donhauser noted that we need to do something.

c) Carolyn Robinson asked the Board if they had heard anything about the speed reduction on Trevett Road. Deputy Town Clerk Schweikert advised that we had received a letter from the State Department of Transportation dated September 28, 2010 noting that a traffic engineering investigation has been initiated to review the request and at the conclusion of the investigation, we would be advised of their findings.

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

ITEM #3. MONTHLY REPORTS

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

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

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h) Fire Department. Hwy Supt Dains read the Village of Springville Fire Department Call Report into the Minutes and also noted that they had a drill last night with NYTEC. They sponsored a Highway Safety Traffic Control Program. They had access and use of the new Expressway on the Peters Road end. State DOT, Erie County Sheriff's and Emergency Services, State Police, Amherst Police, Orange County representatives were all involved. They did two scenarios where they did lane shut with proper signage and emergency access laid out through NYTEC. The second scenario was closing the south bound lane and making it into a two lane traffic and then shut it down and with fire police, alternate traffic flow both ways, north and south. The Department now has a good heads up on what we are looking at and what we have to do to prepare to do to make things work. They are trying to get a standard set of operating guidelines for emergency responders. For example, no personal vehicles at all for emergency responders, strictly apparatus, other than Chief's vehicles, especially in the Winter.

i) Highway Superintendent Report - Hwy Supt Dains read his filed Report into the Minutes.

a) Hwy Supt Dains noted that he received a telephone call today from the SEMO representative and he conferred with the Town Engineers. A meeting has been scheduled for Wednesday morning at the Hwy Department Office to finalize the large project which was Craneridge. They will also tour Craneridge for pictures. We do have before and after pictures and will put them on a disc.

b) Hwy Supt Dains reviewed the letter that he sent to the engineer in charge of the 219 Expressway project. A copy of this letter and the response is attached to the Minutes. The letter was concerned with the lighting at the intersection of the on and off ramps at Route 39; the guide rails and reflective markers on Scoby Hill Road; the maintenance of the drainage tile on Scoby Hill Road; and the possibility of a solar street light at the intersection of Scoby Hill Road and Route 219. Hwy Supt Dains noted that we may have to ask Town Attorney Barone to check into this because there was a street light at the old Scoby Hill Road intersection and Hwy Supt Dains believes that there was one there so there should be one at the new intersection. We have not been asked to abandon the old road yet and they have not yet asked us to formally take over the new section. Hwy Supt Dains noted that he got an estimate from Karl Lux at the Village for a pole and light down on the new Scoby Hill Road of about \$1,400 but the issue is that the electric is quite a ways up the road from that intersection. More poles could not be installed because of the bridges are there. They would have to do underground conduit but he does feel that we should pursue this to have the State do something. They created this issue.

Hwy Supt Dains noted that during the construction phase the light at the end of Belscher Road had to come down but it will go back up once they finish that intersection.

Councilwoman King asked about the intersection of Buffalo Street and North Street. Supervisor Eppolito noted that we have written letters on that. He will have to go back into his file but he thinks he asked them to study that intersection and to see what the best solution would be for that intersection. It appears that the letter was written jointly by the Village and the Town. Mayor Krebs noted that he thinks we were asking for an all way stop there. Discussed round abouts. Supervisor Eppolito will re-do a letter on this intersection.

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

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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. There is an addition to General Fund A, abstract 10, bill 1179 for the payment on the roof in the amount of \$58,101.30.

- General Fund A, abstract 10, bills 1026-1112 & 1179
- General Fund B, abstract 10, bills 1113-1122 & 1178
- Library Fund, abstract 10, bills 1123-1129
- Fire Protection, abstract 10, NONE
- Joint Van, abstract 10, bills 1130-1132
- Joint Youth, abstract 10, bills 1133-1135
- Craneridge Lighting, abstract 10, bills 1136-1137
- Craneridge Sewer, abstract 10, bills 1138-1148
- Highway DA, abstract 10, NONE
- Highway DB, abstract 10, bills 1149-1166
- Kissing Bridge Water, abstract 10, bill 1167
- Kissing Bridge Sewer, abstract 10, bill 1168-1169
- Trevett Rd. Water, abstract 10, bill 1170
- Trust & Agency, abstract 10, bills 1171-1176
- Capital, abstract 10, bill 1177

Motion by Councilwoman King, seconded by Councilman Salzler to approve the bills as presented with the addition of bill 1179. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito, voting aye. Councilman Snyder, excused. Carried.

b) Final Payment Craneridge Subdivision -

1) Supervisor Eppolito noted that Carl R. Calarco of Alianello's Office notified that we need to pass a Resolution to approve payment to Buffalo Creek, Inc., of Payment Application No. 3-Final Payment, for the amount of \$29,649.04, which includes the release of all retainage. This covers the Craneridge Storm Repairs from the period 7/31/10 through 9/7/10. As of 9/7/10, all work associated with this project was 100% complete, to include all punch list items. The completion date for this project was 9/13/10. Hwy Supt Dains noted that this project is still open for a year from completion in case anything goes wrong.

Councilwoman King moved the adoption of Resolution 20, seconded by Councilman Salzler:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Concord hereby approves payment to Buffalo Creek, Inc., of Payment Application No. 3-Final Payment, in the amount of \$29,649.04, which includes the release of all retainage. This covers the Craneridge Storm Repairs from the period 7/31/10 through 9/7/10. As of 9/7/10, all work associated with this project was 100% complete, to include all punch list items. The completion date for this project was 9/13/10.

Voting as follows:

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

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2) Supervisor Eppolito noted that we also need to pass a Resolution to approve the Change Order No. 1, which has been issued for the balancing of all contract quantities (final over/under amounts). These amounts represent a net reduction in the original contract sum of \$12,629.47.

Councilman Krezmien moved the adoption of Resolution 21, seconded by Councilwoman King:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Concord hereby approves the Change Order No. 1, which has been issued for the balancing of all contract quantities (final over/under amounts). These amounts are shown on the payment cover sheet in the lower left hand corner, and represent a net reduction in the original contract sum of \$12,629.47.

Voting as follows:

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

Hwy Supt Dains noted that once he is finished with SEMO then he and Carl Calarco will have a report for the Board. Supervisor Eppolito thanked Hwy Supt Dains for his efforts in this project.

c) Public Notice re: NYS Agricultural & Markets Law - Supervisor Eppolito noted that this Notice just had to be read publicly this month and in November 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.

d) Approve 2011-2013 Fire Contracts - Town Attorney Barone noted that there are some changes that he needs to make to the Contracts, cosmetic changes. These changes do not affect the financial part of the Contract. The change is the continuous clause in case we don't have an agreement in three years from now; in case there is no agreement. Town Attorney Barone noted that East Concord and Mortons Corners Contracts have this clause but there is a typographical in that one with a wrong date so that will need to be changed. The rest of the Contracts do not have this clause. Town Attorney Barone explained that every Contract has to have a termination date. It cannot go indefinitely so the termination date on these should be December 31st, 2013. All these Contracts have a clause that extends these Contracts automatically if we don't have a new Contract in place with the various fire departments by January 1st of 2014.

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That means that these Contracts would be extended until we have a new Contract in place. The language is not clear in all of the Contracts. Supervisor Eppolito noted that with that in mind, we will pass the Contracts tonight for East Concord, Mortons Corners, Boston and the Ambulance pending those changes which can be added on as addendums to the Contracts which are missing that clause. Town Attorney Barone will contact Denise to give her the precise changes. Town Attorney Barone advises that these should be separate motions.

1) Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the 2011-2013 Fire Protection Contract for Mortons Corners Volunteer Fire Company, Inc. with those minor changes noted above. Councilwoman King; Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

2) Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the 2011-2013 Fire Protection Contract for East Concord Volunteer Fire Company, Inc. with those minor changes noted above. Councilwoman King; Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

3) Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the 2011-2013 Fire Protection Contract for Boston Volunteer Fire Company, Inc. with those minor changes noted above. Councilwoman King; Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

4) Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the 2011-2013 General Ambulance Service Agreement for East Concord Fire Company, Inc. with those minor changes noted above. Councilwoman King; Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

5) Supervisor Eppolito noted that the 2011-2013 Fire Protection Contract with the Village of Springville will be tabled to allow the Village of Springville time to review the Contract. Motion by Councilman Salzler, seconded by Councilwoman King, to table 2011-2013 Fire Protection Contract for Springville Fire Department. Councilwoman King; Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

e) **Approve 2011 Budget** - Motion by Councilman Salzler, seconded by Councilwoman King, to accept the 2011 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 22, seconded by Councilman Salzler:

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Concord does hereby adopt the 2011 Budget.

Voting as follows:

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

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f) **Resolution for CDBG** - Supervisor Eppolito asked the Board for a resolution on the CDBG, passing on project numbers 1 and 2 and naming the Rural Transit Van as project number 3.

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

WHEREAS, that the Town Board of the Town of Concord held a public hearing on Thursday, October 14th, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord does hereby authorize the Supervisor to sign, submit and execute a contract with the Erie County Community Development Block Grant (ECCDBG) program for the following projects, as project number 3, upon approval of the ECCDBG. The Town of Concord is passing on project number 1 and project number 2.

Project Number 3: Rural Transit Service

Voting as follows:

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

e) **Rural Metro Contract** - Supervisor Eppolito stated that we had sent a letter to them on August 5th, 2010, pointing out changes. Jay Smith responded on September 30th, 2010, and made some of the changes. Town Attorney Barone noted that the nature of the Contract is exclusive. It was noted that there may be other companies that might want to come to our town. Hwy Supt Dains noted that Rural Metro runs from 6 a.m. to 11 p.m. and the fire companies take over at night and also during the day if Rural Metro is not here or if more than one ambulance is needed. Supervisor Eppolito asked that this be tabled until our November 4th meeting for further review of the Contract. Motion by Councilman Salzler, seconded by Councilwoman King, to table the Rural Metro Contract until our November 4th meeting. Councilwoman King; Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

f) **Senior Center land purchase** – Supervisor Eppolito advised the Board that this will be discussed in Executive Session.

ITEM #5. OLD BUSINESS

There was no Old Business.

ITEM #6. CONSENT AGENDA

- a) Agritourism in the Southtowns
- b) Kissing Bridge Liquor License
- c) Southtowns Meals on Wheels minutes 7/13/2010

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

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ITEM #7. EXECUTIVE SESSION

Supervisor Eppolito noted that the Board would be having an Executive Session to discuss a litigation matter and also a possible land purchase. There may be action taken tonight.

Motion by Councilman Krezmien, seconded by Councilwoman King to go into Executive Session at 7:50 p.m. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

Motion by Councilman Krezmien, seconded by Councilwoman King to come out of Executive Session at 8:25 p.m. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

a) Supervisor Eppolito asked Town Attorney Barone to proceed with the land purchase. Town Attorney Barone noted that after their meeting in Executive Session, that the Town Board wishes to make a motion to amend our original purchase offer for the parcel on Waverly Street which we had put an offer in approximately 1 ½ years ago. It is his recommendation that the Town Board pass a resolution whereby they would amend the contract purchase offer for the parcel on Waverly Street comprising of five acres at \$17,000/acre dated July 6, 2009, to add an addendum authorizing the Supervisor to sign a purchase offer for the purchase of an adjacent parcel comprising five acres but a different parcel at the same purchase offer price of \$17,000/acre.

Councilwoman King moved the adoption of Resolution 24, seconded by Councilman Krezmien:

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord does hereby amend the contract purchase offer for the parcel on Waverly Street comprising of five acres at \$17,000/acre dated July 6, 2009, to add an addendum authorizing the Supervisor to sign a purchase offer for the purchase of an adjacent parcel comprising five acres but a different parcel at the same purchase offer price of \$17,000/acre.

Voting as follows:

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

Supervisor Eppolito noted that what the Board has done is that we had an original purchase offer in July 2009 that we are not able to exercise. Now we have just voted to rescind that offer and move it to an adjacent five acres. We will put in a purchase offer to Damon Morey Attorneys for Colin Hart to buy the adjacent acreage. Mrs. Krebs noted that she is so excited. Supervisor Eppolito noted that the Town is also. He attended a couple of senior events over the summer and it was about 95 degrees in our auditorium. We have all those seniors up there for meetings. We have an elevator that is about 37 years old.

b) Councilman Krezmien noted that he needs to make a motion to rescind a motion that he had made at the June 10, 2010 meeting authorizing the Supervisor to contract with Hodgson Russ, seconded by Councilwoman King. Councilwoman King, Councilmen Krezmien & Salzler; Supervisor Eppolito voting aye; Councilman Snyder, excused. Carried.

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Councilman Krezmien moved the adoption of Resolution 25, seconded by Councilwoman King:

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord does hereby allow Special Counsel, Hodgson Russ, to direct environmental consultants hired by Hodgson Russ to make several visits to the Town of Concord salt storage shed to conduct a privileged analysis of the site in connection with pending litigation.

Voting as follows:

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

ITEM #8. COUNCILMAN NOTES

a) Supervisor Eppolito informed the Board that he has been in discussion about the dog licensing law with Town Clerk Bolt and Deputy Town Clerk Schweikert. At the Supervisor's Meeting on October 5th, 2010, it was brought up that instead of having 24 different dog control laws in Erie County, why not have just one basic law so that if someone moves from one town to another, the rules will be essentially the same. He is on a committee with Mary Holtz, the Supervisor of Cheektowaga, as well as Dawn Izdorzak, the Town Clerk of Newstead, and they will be meeting on October 27th and they are hoping to finalize a basic dog control law that all the towns will pass and then there will be a section in the law that we can put in our own fees. The State is charging us \$1 for any spayed/neutered dog and \$3 for any unspayed/unneutered dog. Now the notification of renewal will fall on the Town Clerk's Office. Things like that are what we will need to consider when we set the fees.

b) Supervisor Eppolito noted that the Water Shed committee met Tuesday in Buffalo and they received a small grant to keep this going; now they can keep the secretary on board. Things are going good. There are some real possibilities that we can tap into some federal dollars that would affect all our towns as well as the two counties.

c) Supervisor Eppolito noted that he and Mayor Krebs were at the Route 219 meeting. A couple things came up at that meeting: He had never given it a thought as to how much the property values will plummet if they close that bridge along there. The property from 219 and 39 south will be affected in terms of what the property value is worth. It can really impact our town.

d) Supervisor Eppolito advised the Board Members that we have three openings that we need to fill. (1) We need a Bingo Inspector. Right now we pay \$10. St. Al's is the only Bingo in town. We have \$250 budgeted next year for the Bingo Inspector. He would ask the person to go ten times and pay them \$25 each visit. Not sure what the State really requires the Bingo Inspector to do. If we cannot find someone, we will need to advertise for a Bingo Inspector. (2) We also need a member for the Board of Assessment Review and we need to have the person trained by next March because they cannot sit unless they get trained. We need a person to fill Dick Fancher's seat on that Board. (3) We still need a person on the Zoning Board of Appeals. So we need some names for those three positions otherwise we will need to advertise.

e) Supervisor Eppolito noted that he has had Wayne McNeil doing a lot of work, wiring. We have put two cameras at the old library. We have had a lot of problems with kids chipping away at the bricks, burning stuff. We had Wayne come over and also Brian Tomczyk came over. We already have cameras inside the building but we now have two cameras on the outside. We have a monitor there. It will erase after so many days so we don't need to monitor it every day but if there is a problem, we can go

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to the monitor and check. That has already been done. He also had Wayne working on the light at the front of Godard Hall which has not worked for years.

f) Supervisor Eppolito advised the Board that he received a call from Margaret Mayerat and we need to do something with the kitchen at the Bensley center. The Study Club meets there 12 times a year, The Springville Women's Club, The Historical Society and the Cookie Cutters meet there on a regular basis as well as the Chamber. He had Denise look through the budget and we do have a couple thousand dollars left over in maintenance so if we take \$1,000 that we did not use in the insurance line; we have money that we can cover it. The original estimate from Clarence was about \$2,000. Wayne McNeil looked at it last year and noted that we need to do something about the stove before we have a fire so we took it out. The refrigerator that we purchased did not quite fit in because we just purchased the best one for that dollar amount thinking we would be doing something there. We need to put some cabinets in there to replace the metal ones and put a stove in there. Nothing expensive. He thinks we can do it for under \$3,000 and then the groups can use it and it will look a lot better. If the Board does not have any problems with this, he will proceed with Clarence on it. He does not need a motion, just a consensus.

g) Supervisor Eppolito advised the Board that he needs to know if he has support with regard to going to an appointed Assessor. We need to make that decision early part of 2011 because Bill Nellis' term will be up next year so we will have an open seat coming up in 2011 for the Assessor. The idea of an elected Assessor is really an old thing. We are one of the few towns that have it. What happens with an appointed Assessor: We do not have to go to the Civil Service list for that; we can appoint a trained person to do it. He will check with Mr. Nellis to make sure of this. Once we appoint an Assessor they stay for six years. This is not something that you do every year. Right now they are appointed all at once and the next appointment is up in September of 2013. If we were to appoint somebody, that person would be appointed to that time. Then if we decided to re-appoint them, the next appointment would be six years when all the Assessors are appointed at the same time. It is not a political issue but we would be taking all the politics out of this. One reason he believes in this so strongly is that he thinks appointed Assessors are better trained. What happens if you elect someone as Assessor and they don't pass the necessary courses. Dawn Martin in our office has completed the training and Ruby Bruce could be appointed also. If Mr. Nellis decides not to retire, we can appoint him for that time period. There would be no increase in salary; just that we would have an appointed Assessor and not an elected Assessor. He thinks Collins is the only other town with an elected Assessor.

h) Supervisor Eppolito advised the Board that the Town Park water lines were done today.

i) Deputy Town Clerk Schweikert advised that the Cattaraugus County Health Department has requested to use our Town Hall on Thursday, July 28, 2011 for a water system operator training session. It is advance notice because a lot of planning is involved. The Board has no problem with their use. Deputy Town Clerk Schweikert will let them know of the approval.

j) Supervisor Eppolito thanked Deputy Town Clerk Schweikert. She has really been doing double-duty in the Clerk's Office and doing a wonderful job. We hope that Town Clerk Bolt will be back soon.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Salzler, seconded by Councilwoman King, passed unanimously, to adjourn the meeting at 8:45 p.m. in memory of:

John R. Daily
Jerome Marciniak
Adam Merchel

Darlene G. Schweikert

