

TOWN OF CONCORD TOWN BOARD MEETING June 14, 2012
JOHN MILLS, LEGISLATOR TO ADDRESS THE PUBLIC/BOARD at 6:30 p.m.
Board Meeting 7 p.m.

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 SCHWEIKERT, Town Clerk
MICHAEL BARONE, Town Atty
DENISE CISZAK, Bookkeeper

JOHN MILLS, Legislator
LAURA LANDERS, CPA, FreedMaxick
GEORGE DONHAUSER
CHRIS PROCTOR, Springville Journal

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT. Supervisor Eppolito asked for a moment of silence in memory of resident and firefighter Patricia Willibey.

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO.

JOHN MILLS, LEGISLATOR

Legislator Mills addressed the Board. He had attended a County capital budget committee. He is trying to get more money for his district which is currently getting 67% of the total road budget but we are falling short on capital projects. Morse Road, Cattaraugus Street, Summit Lane, Townsend Road, Wagner Road, Emerling Road, Trevett Road, Brown Hill Road, Mortons Corners Road and Foote Road are on the schedule to be oiled and chipped. Discussed the capital budget amount. He is trying to get capital budget money for the rest of Genesee Road. The County Executive is trying to budget 10 million dollars of the capital budget for the Buffalo Bills and bond total is 40 million dollars for capital projects. The request of the Department of Public Works is for 33 million dollars so that bond total amount is short. Legislator Mills noted that there is FEMA money coming for Zoar Valley Road.

Legislator Mills reminded the Board about his Hot Dog Roast at the library on July 19th. Supervisor Eppolito thanked Legislator Mills.

ITEM #1. LAURA LANDERS, CPA TO ADDRESS THE BOARD re: 2011 AUDIT

Ms. Laura Landers addressed the Board on the audit that had been completed for Year 2011. Copies of the audit had been passed out to the Board. The total outstanding debt of the town is \$74,000. She summarized that the town is in excellent financial condition with good fund balances and went over some of the audit with the Board including the tax stabilization accounts and the 2% cap. She mentioned there were changes in the classifications in fund balances (used to be reserved and unreserved; now there are five fund classifications). This should provide additional transparency to the readers of the financial statements. Discussion about establishing accounts in the budget to prepare for Erie County charge backs which is when Erie County forecloses on a home and the sales price is not enough to cover all the taxes due on the property. The County is now asking the Town/Village/School to pay the County their share of any shortfall. Ms. Landers' believes that committed fund accounts could be established in both the A and B accounts. If this fund balances were to accumulate too much money, the Board could transfer the money out of the accounts by Board action; it would not require a

referendum. Town Attorney Barone asked Ms. Landers about the town's solvency for the Bond market. Ms. Landers noted that if the town is thinking about doing something; proceed soon because bond rates are still very low. Ms. Landers' complimented the bookkeeper. The Board thanked both of them for their work. (Ms. Landers' and Denise Ciszak left the meeting at 7:45 p.m.) A copy of the audit is on file in the Town Clerk's Office.

ITEM #2. APPROVAL OF MINUTES

a) Town Board Meeting – 5/10/2012 - Motion by Councilman Krezmien, seconded by Councilman Salzler, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

b) Special Town Board Meeting – 5/21/2012- Motion by Councilwoman King, seconded by Councilman Salzler, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

ITEM #3. PUBLIC COMMENT

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

ITEM #4. MONTHLY REPORTS

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

- a) Code Enforcement Officer/Building Inspector Report
- b) Dog Control Officer
- c) Nutrition Site May 2012
- d) Judge Gibbin Report – April 2012
- e) Judge Frank Report – April 2012
- f) Town Supervisor Report – January 2012
- g) Town Supervisor Report – February 2012
- h) Town Supervisor Report – March 2012
- i) Town Supervisor Report – April 2012
- j) Fire Department – There was no report.
- k) Highway Superintendent Report. Hwy Supt Dains had filed his report.

ITEM #5 NEW BUSINESS

a) **Audit of the Bills** – Supervisor Eppolito stated that these bills were audited by Councilman Krezmien, and reviewed by the Board.

General Fund A, abstract 6, bills 558-654; \$141,370.08
 General Fund B, abstract 6, bills 655-663; \$231,498.19
 Library Fund, abstract 6, bills 664-670; \$9,902.58
 Fire Protection, abstract 6, bill 671; \$105,000.00
 Joint Van, abstract 6, bills 672-674; \$33,279.22
 Joint Youth, abstract 6, bills 675-677; \$51,884.09
 Craneridge Lighting, abstract 6, bills 678-679; \$38,947.84
 Craneridge Sewer, abstract 6, bills 680-688; \$132,622.45
 Highway DA, abstract 6, bill 689; \$13,776.31
 Highway DB, abstract 6, bills 690-712; \$191,004.58
 Kissing Bridge Water, abstract 6, bills 713-714; \$7,325.00

Kissing Bridge Sewer, abstract 6, bills 715-716; \$19,750.00
 Trevett Rd. Water, abstract 6, bills 717-718; \$5,690.90
 Trust & Agency, abstract 6, bills 719-722; \$385.69
 Capital, abstract 6, bill 723; \$21,050.00

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

b) Town of Concord Workplace Violence Policy – Supervisor Eppolito handed out the policy which was recommended by the Department of Labor. This policy will be incorporated into the Employee Handbook. Because of the size of the Town of Concord, no training workshops are required. Councilman Krezmien moved the adoption of Resolution 8, seconded by Councilwoman King:

**TOWN OF CONCORD WORKPLACE VIOLENCE
 PREVENTION POLICY AND INCIDENT REPORTING**

Town of Concord is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town of Concord property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Management and Authorized Employee Representatives will have an ongoing role in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents or violence or threatening behavior will be responded to immediately upon notification. Town of Concord has identified response personnel that include a member of management and an employee representative. If appropriate, the Town of Concord will provide counseling services or referrals for employees.

All Town of Concord personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

Designated Contact Person:

Name: Gary A. Eppolito

Title: Town Supervisor

Department: Supervisor's Office

Phone: 716-592-4946 x 11

Location: 86 Franklin Street, Springville, New York

Workplace Violence Incident Report

Today's Date _____

Date of Incident _____
Time of Incident _____
Case Number _____

Employee Name _____
Title _____
Workplace Location _____

What was the employee doing just prior to the incident?

Incident Description (Minimally include names of involved employees, extent of injuries and names of witnesses):

Provide Information on preventative actions that the public employer has taken or is considering as a result of the incident to prevent against further like occurrences:

After the occurrence of a workplace violence incident, the public employer shall consider global (all public employer worksites) prevention enhancements, which may be necessary to properly protect employees.

The employer is responsible for maintaining copies of reports which shall be used when the program is reviewed and updated.

Voting as follows:

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

c) Fireworks Application - Supervisor Eppolito noted that the State of New York requires the Town to have a fireworks permit and he presented a copy of the Request for Fireworks Display Permit:

Request for Fireworks Display Permit
Town of Concord
Ref. NY State Penal Law, Article 405.00
Application Date: _____

(A) Sponsor of the Show
Name: _____
Address: _____
Phone: _____ Contact Person: _____

Display Company
Company Name: _____
Address: _____
Phone: _____ Contact Person: _____
NYS Dept. of Labor Explosives License# _____
Expires: _____

Operator – Name of the certified pyro technician who will be in charge of the display
Name: _____
Certificate#: _____ Expires: _____

Authorized Assistants: Names of the individuals who are authorized by the operator to work on the show, identified either by their certificate number and expiration date, if they are certified, or by their age and phone number, if they are not certified:

Name	Certificate#	Expires
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(Continue on a separate sheet, if necessary)

(B) Display date/time: _____

Expected Duration: _____

(C) Display Location: _____

(D) Display Content: _____

(E) How will fireworks be stored prior to display: _____

(F) Rain date for display: _____

(G) If rained out, how will fireworks be stored: _____

(H) For outdoor displays not before a proximate audience, attach a diagram of the area where the display will take place, showing location from where the fireworks will be discharged, the location of and distance to: all of the buildings, highways, lines of communications, or other structures or devices that could be affected by the display or fallout from it.

(I) Proof of insurance or bond (minimum \$1 million). Please attach a copy of the policy certificate or other proof of insurance or bond.

(J) For indoor displays, in addition to the information provided above, include a written plan for how you intend to use the pyrotechnics as required by New York State Penal Law 405.10. That plan shall be submitted at least five days prior to the performance and include:

*In addition to the state licenses and certificates already included in this application, proof of federal ATF licenses if required,

*Proof of experience of the pyro technician in charge,

*Proof of experience with the types of devices being used and a description of duties of any authorized assistants,

*Proof of assembly of the pyrotechnic devices,

*Manner and place of storage of the pyrotechnic materials and devices,

*Material Safety Data Sheets (MSDS) for the pyrotechnic materials to be used,

*Certification that set, scenery and rigging materials are inherently flame retardant or have been treated to achieve flame retardancy,

*For indoor displays, attach a diagram of the area where the display will take place, showing the location from where the fireworks will be discharged, the location of, and distance to, the audience, the location of sprinklers and the fallout radius for each pyrotechnic device used,

*A copy of the approved permit and plan shall be kept on site and available for review,

*Any significant changes to the plan shall be approved prior to the performance.

(K) I attest that the information contained in this permit application is accurate, true and complete to the best of my knowledge, and I understand that false statements made in this permit application are subject to the applicable versions of the New York State Penal Law.

Signature: _____ Date: _____

Motion made by Councilman Salzler, seconded by Councilman Snyder, to approve the Request for Fireworks Display Permit for the Town of Concord. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito, voting aye. Carried.

d) NYS Retirement Standard Work Day & Reporting Resolution -

The Supervisor’s Office presented this resolution. Councilman Krezmien moved the adoption of Resolution 9, seconded by Councilwoman King:

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 will 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 Paul F. Salzler, SS#8409, Reg. No. 36171742, Standard Day 6, Term 01/01/2012-12/31/2015, Time Keeping No, Day/Month 3.31

Town Justice Timothy P. Frank, SS#4622, Reg. No. 35446863, Standard Day 6, Term 01/01/2012-12/31/2015, Time Keeping No, Day/Month 3.68

Town Attorney Deborah M. Barone, SS#8917, Reg. No. 50573880, Standard Day 6, Term 01/01/2012-12/31/2012, Time Keeping No, Day/Month 6.25

Town Clerk Darlene G. Schweikert, SS#8360, Reg. No. 40850547, Standard Day 6, Term 01/01/2012-12/31/2012, Time Keeping No, Day/Month 10 day per payroll bi-weekly paid

Voting as follows:

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

e) Deputy Clerk Position – Town Clerk Schweikert informed the Board that Deputy Town Clerk Stephanie Bacon will complete her six month probation on June 30th, 2012. Town Clerk Schweikert noted that Stephanie is doing a wonderful job and requested that the Board take her off probation and make her permanent in the position at the budgeted salary of \$27,948.00 effective July 1st, 2012. Motion made by Councilwoman King, seconded by Councilman Salzler, to end the probation period for Deputy Town Clerk Stephanie Bacon and increase her salary to the budgeted salary of \$27,948.00 effective July 1st, 2012. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

f) **Craneridge Bond Resolution** – This Resolution was prepared by John A. Alessi, Esq., of HodgsonRuss based upon the preliminary report prepared by Mark Alianello, engineer. The Public Hearing notice must be published at least once in the Springville Journal and posted on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, the first publication and such posting to be not less than ten (10) days nor more than twenty (20) days before the date of the Public Hearing.

Councilman Krezmien moved the adoption of Resolution 10, seconded by Councilwoman King:

A meeting of the Town Board of the Town of Concord, in the County of Erie, New York, was held at the Town Hall, in said Town, on June 14, 2012.

PRESENT:

- Gary A. Eppolito, Supervisor
- James M. Krezmien, Councilman
- William F. Snyder, II, Councilman
- Paul F. Salzler, Councilman
- Deborah A. King, Councilwoman

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In the Matter

of the

Increase and Improvement of Facilities of the Craneridge Sanitary Sewer District in the Town of Concord, County of Erie, New York, pursuant to Section 202-b of the Town Law.

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ORDER CALLING PUBLIC
HEARING TO BE HELD ON
JULY 5th, 2012

WHEREAS, the Town Board of the Town of Concord (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created the Craneridge Sanitary Sewer District in the Town (the "District") and has directed Mark D. Alianello, P.E. a competent engineer licensed in New York, to prepare a preliminary map, plan and report for the District's sewer system improvements consisting of the replacement of approximately 1,600 linear feet of 8-inch sewer line, replacement or reconstruction of approximately five sewer manholes, and the replacement of equipment at the wastewater treatment plant, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto as more specifically described in such preliminary map, plan and report (collectively, the "District Improvement"); and pursuant to the direction of the Town the Engineer has completed and filed with the Town Board such preliminary map, plan and report for said increase and improvement of facilities of the District and has estimated the total cost thereof to be a maximum amount of \$500,000; said cost to be financed by the issuance of serial bonds of the Town in the amount of \$500,000, offset by any federal, state, county and/or local funds received.

NOW, THEREFORE, BE IT

ORDERED that a meeting of the Town Board of the Town of Concord will be held at the Town Hall, 86 Franklin Street, Springville, New York, on July 5th, 2012 at 10:00 a.m. (prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such

other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the expense to the District for such increase and improvement of the facilities shall be financed by the issuance of serial bonds of the Town in an amount not to exceed \$500,000, said amount to be offset by any federal, state, county and/or local funds, and unless paid from other sources or charges, the costs of said increase and improvement of facilities shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in each newspaper designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing

The adoption of the foregoing Order Calling for Public Hearing was duly put to a vote on roll call, which resulted as follows:

Voting as follows:

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

The Order Calling for Public Hearing was declared adopted.

g) Annual Tammy Gasper Memorial Softball Tournament - Darrel Gasper had submitted a letter to the Board requesting use of the Concord Community Park on August 18, 2012 for a tournament to raise money for a scholarship in Tammy’s name for a graduate of Springville-Griffith Institute. No alcohol will be served by the tournament organizers; however, alcohol will be allowed on the premises during the tournament. Since Mr. Gasper did not request of a waiver of the \$15 fee and will not be serving alcohol, no Town Board action is required.

ITEM #6. OLD BUSINESS

There was nothing for old business. Motion made by Councilman Snyder, seconded by Councilman Salzler, to close Old Business. Councilwoman King, Councilmen Krezmien, Salzler & Snyder; Supervisor Eppolito voting aye. Carried.

ITEM #7. CONSENT AGENDA

a) County of Erie – Septic Systems. The County Health Department will no longer be designing onsite wastewater treatment systems for new residential construction. Residents and builders wishing to construct a new home in Erie County that must be served by an onsite wastewater treatment system must hire a design professional to design the appropriate system to serve the residence. This is to be effective July 1, 2012. The fee will then be \$300. Legislator Mills will follow up on this matter.

- b) Southtowns Community Enhancement Coalition 5/3/12 Minutes
- c) Erie County Household Hazardous Waste Drop Off day 6/16/12
- d) Concord American Legion #431 – liquor license

- e) Water Quality Newsletter
- f) Rural Transit Service – Volunteer Newsletter
- g) Dairy Festival 5/8/12 Minutes
- h) Erie County Agricultural and Farmland Protection Plan

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

ITEM #8. COUNCILMAN NOTES

1) Supervisor Eppolito informed the Board that the e-drop off has started and the shed is almost full already. Signs are being prepared and will be posted soon. The hours of operation are Monday-Friday 9 a.m. to 12 noon. Closed holidays. The e-drop off is open to Town and Village residents as well as all surrounding areas.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Salzler, seconded by Councilwoman King, and passed unanimously, to adjourn the meeting at 8:25 p.m. in memory of:

Evelyn M. Baker
Robert J. Curfman
Millard R. Folts
Stella V. Winch
Patricia Willibey
Leonard Hatch
Gerard F. Bockhahn

Darlene G. Schweikert
Town Clerk