

1. Supervisor Eppolito had received a telephone call from Bob Fiegl regarding the Springville Travelers Motorcycle Club and he invited the Club members to attend this Work Session to discuss their concerns. CEO Pirro had been in contact with the Club regarding the sign at their club house on Route 219. CEO Pirro was following up on a complaint he had received. The Club thought this matter had been resolved and just wanted to make sure that this is straightened out. There was discussion between the Club members and the Board regarding the sign's placement. It appears the sign had information on an event that had taken place about three weeks' ago. The information on the sign should be current information. Signs in the Town are becoming a problem. Supervisor Eppolito had asked Hwy Supt Dains to go to the club house earlier and measure the sign's placement. The NYS DOT right of way is 100 feet, 50 foot each way from the centerline. This sign is outside that 50 foot right of way. The sign size is within the Town's Code. Councilman Salzler asked if it mattered that the road is now owned by the County and not the State and Hwy Supt Dains indicated that the right of way remains the same at 100 feet. Mr. Fiegl read in our Code that illuminated signs should be turned off at midnight and the Club will do that so that there are no further misunderstandings about their sign. Reviewed the situation with the campers at their club house and it was agreed that that is all set. CEO Pirro reviewed this matter and the Board has no problem with the campers. Mr. Fiegl feels that if CEO Pirro receives complaints again on these same issues, he should not have to follow up. Only if a different complaint is received. The Club members thanked the Board and left the Work Session at 6:38 p.m. Supervisor Eppolito told the Club members to call him anytime they had any questions or concerns.

2. Update on the Senior Center:

Councilman Salzler:

1. Aaron from MDA Engineers was in contact with Concept Construction to take care of the flashing and the door alignments.
2. The company with the hood was not getting back to Aaron and Aaron found out that they needed a wiring diagram. This was sent to the electrician on August 20th. So they will be out September 11th.
3. The toilet in the ladies' room and the urinal in the men's room will be fixed Wednesday.

Supervisor Eppolito:

1. The sanitary system was hooked up in the kitchen but a water line needs to be run because it is a commercial kitchen. The unit was there but needs a water line.
2. The County contacted us with regards to: thermometers (Helen from the Nutrition Site will be following up on this), hood, water line, and gaps under outside doors. Councilman Salzler noted that Concept worked on the doors yesterday.
3. Once the County is all set, will make the shift of the three cabinets, copy machine, and TV set to the new building.
4. Nancy Szudzik who cleans at the Hulbert Library is willing to take on the job of cleaning the new building. To start, thinking of Tuesday/Thursday dates but this will need to be addressed again once the building is up and running. Supervisor Eppolito will ask for a motion at tonight's meeting to hire Nancy Szudzik. Discussion about her current pay and hours that might be necessary.
5. At the Board meeting Supervisor Eppolito will ask the Board to approve the Management Service Agreement pending Town Atty Barone's changes to the document.

3. Supervisor Eppolito provided the Board with a copy of a NYS Department of Health letter to Donald E. Trzepacz, Jr., Director of Medical Operations at Mercy Flight dated September 9, 2015. Supervisor Eppolito stated that this is good news, but not final news. Supervisor Eppolito asked Hwy Supt Dains to explain what happened at the WEREMSC (Wyoming-Erie Regional EMS Council) meeting. Hwy Supt Dains advised that after both the Town Board and Village Board of Trustees submitted their Resolutions for the emergency need, it went the State Department of Health in Albany. Lee Burns, the Administrator of Department of Emergency Services in Albany, is out of town until

the 15th of September. After discussions between the entities involved the Department of Health gave a verbal approval to proceed to go to WEREMSC. This is a group of individuals who oversee emergency operations to make sure that everything is being done in the departments in communities EMS provider-wise. The night there was supposed to be a meeting with WEREMSC was Wednesday, September 2nd. There were on the docket for that meeting. Mercy EMS and the attorneys that represented the Town and the Village were to be on the docket. Upon arrival at the meeting, the chairman of the committee issued a statement that if anybody wanted to talk in the Public Comment period, they needed to come up and sign in. Hwy Supt Dains looked at Tim Hannigan and Don Trzepacz because he thought they were on the agenda and would have an opportunity to speak on the agenda. The chairman made the announcement a second time so Matt Willibey, Jeff Story and Hwy Supt Dains went up and signed in for Public Comment. The meeting was opened and went through Public Comment where the three of them made their statements to WEREMSC in regards to the need. Upon the finishing of Public Comment, the committee decided to go into Executive Session which lasted over an hour and 15 minutes and they came out and a motion was made on the floor by a member of WEREMSC to table this issue. A roll call vote was done; all in favor except for one. Then Mr. Hannigan stood up to try to address the chairman as to this matter being on the agenda and he was told to sit down and be quiet; that he was out of order. Not once, but twice. Mr. Hannigan and Mr. Trzepacz felt that it was a moot point to try to go any further that night. Commencing from that point on, letters were drafted by the Fire Chiefs of the respective fire companies within the Town and Village and sent to Lee Burns at the Department of Health explaining that they don't feel both the Town and the Village represented by Tim Hannigan and Don Trzepacz were represented fairly by WEREMSC and that the Fire Chiefs were not also represented fairly by WEREMSC. These letters were sent to the Statement Department of Health and also Senator Gallivan, Assemblyman DiPietro and Legislator Mills in regards to how the Fire Chiefs felt about this matter. They have received correspondence back from all three officials' offices that they would be keeping an eye on this. From that point on in the meeting that night, it was stated that WEREMSC wanted more information. Some emails have come out that both the Town and Village have received and also the Fire Chiefs. We need to have more information in the attorney's hands of WEREMSC by September 16th so it can be reviewed from the 16th to 23rd to review the information submitted on top of what was already given to them, and a meeting will convene in regards to this matter on September 23rd. The Chiefs now have a bit more homework to get this in a timely manner. Supervisor Eppolito reviewed the September 9th Department of Health letter directed to Donald Trzepacz. Supervisor Eppolito feels this is an encouraging letter. The letter states that "Petitioner has presented substantial evidence that an emergency need exists in the Town of Concord and the Village of Springville. Based upon this evidence, the Department approves the operation of Mercy Flight, Inc., d/b/a/ Mercy EMS in the Town of Concord and Village of Springville, for a sixty day maximum period." There are a couple restrictions on it. One being that we have to get the approval of WEREMSC. This is what Supervisor Eppolito is working on. Hwy Supt Dains noted that the email with the request for additional information stated that any and all correspondence between the Fire Chiefs and the Town and the Village Boards after July 29th so the Minutes from this Work Session tonight should be submitted. Both Hwy Supt Dains and Supervisor Eppolito will keep the Board posted on any updates.

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
CLYDE M. DRAKE, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
DEBORAH M. BARONE, Town Atty
DENNIS M. DAINS, Hwy Supt
CAROLYN ROBINSON, Dog Control

GEORGE DONHAUSER KENNETH D. ZITTEL
RICH BARBER

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO

ITEM #1. APPROVAL OF MINUTES

a) Work Session – 8/13/15 – Motion by Councilman Krezmien, seconded by Councilwoman King, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Drake; Supervisor Eppolito, voting aye. Carried.

b) Town Board Meeting – 8/13/15 – Motion by Councilman Drake, seconded by Councilman Salzler, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Drake; Supervisor Eppolito, voting aye. Carried.

c) Special Town Board Meeting – 8/31/15 – Motion by Councilman Salzler, seconded by Councilman Krezmien, to approve the minutes as presented. Councilwoman King, Councilmen Krezmien, Salzler & Drake; Supervisor Eppolito, voting aye. Carried.

ITEM #2. PUBLIC COMMENT

Rich Barber, a Crane Ridge resident, addressed the Board. Mr. Barber had attended June meeting and addressed the Board relative to the noise from KB Moto. He noted that this has been an issue going back a year and it has gotten worse with no end in sight. His reason for coming tonight is to ask the Board's help to lead a solution to this matter. Signs are showing up on the roadsides; there is a lawsuit going on; the attorneys are going to make money and nobody is going to be happy. He believes there is a basis in the Town Code now for a compromise that preserves the reasonable number of motor events yet recognizes the limitation of the amount of nuisance noise that can carry over from one district to another district. It is going to take somebody to facilitate a negotiation and an ongoing administrative enforcement agreement to make this work. That is what he is looking for the Town to do. Mr. Barber believes that ongoing enforcement should be by a Special Use Permit acknowledging a reasonable number of events. The information he highlighted and gave to the Board in June, he expected Special Counsel Spitzer to look at and to be back at the following meeting to talk about it as an agenda item. He asked the Board members to read the material he had submitted previously so it can be discussed as an agenda item so there can be enough time to really discuss the matter; that is his request. Supervisor Eppolito asked Town Atty Barone to answer. Town Atty Barone indicated that this matter is in the hands of Special Counsel Dan Spitzer and we are waiting to hear from him. Special Counsel Spitzer had been contacted after the June meeting to review the matter and has not yet had the opportunity

to respond. Mr. Barber feels that three months is not an acceptable time frame with no response from Special Counsel Spitzer. Town Atty Barone will pose Mr. Barber's additional comments to him. The Town does not have a noise ordinance. Mr. Barber feels that there is enough in the current Code that if the Board had the will could use it; there is a blanket prohibition that if the Board decides that is enough to require a Special Use Permit, it could be used. If the Town doesn't have the Will then that is where he feels the Town is stuck. The American Motorcycle Association itself has model legislation that towns could enact to permit these events to go on under some control. If he thought the litigation would work, he would not be here tonight. He is a party to the litigation and it is not going to work. He believes the Town could do this without being at risk of anything. Set the parties down and propose and discuss alternatives. Town Atty Barone advised that there was a meeting set up with Special Counsel Spitzer and some of the residents and representatives of Kissing Bridge and there was some discussion and KB Moto did try to lower some of the trails and do some spraying. It was new to Kissing Bridge and that they wanted to keep the communication open. She does not know where that broke down. Mr. Barber wonders if that should be reinstated. Town Atty Barone noted that committee was set up to supervise the conversation but not taking an official position on it. Since there is a current lawsuit, Town Atty Barone indicated that the Town will await Special Counsel Spitzer's response before the Board can have conversation as to what direction the Board would like to go. Mr. Barber questioned if Special Counsel Spitzer has a conflict of interest on this matter. Town Atty Barone indicated that although Mr. Spitzer owns property in Crane Ridge, he doesn't live there. Mr. Barber thanked the Board for listening. Town Atty Barone will follow up with Special Counsel Spitzer. Supervisor Eppolito stated that the Town will not do anything without legal counsel advice on this situation. Mr. Barber asked Supervisor Eppolito if there were any lessons or parallels to be learned between this matter and the Hogarosa which had a Special Use Permit and nowhere near as many neighbors as there are at KB Moto. Supervisor Eppolito noted that Hogarosa is in the R-Ag zone.

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

ITEM #3. MONTHLY REPORTS

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

- a) Code Enforcement Officer – August 2015
- b) Dog Control Officer – August 2015
- c) Judge Gibbin – July 2015
- d) Judge Frank – July 2015
- e) Supervisor – July 2015
- f) Nutrition Site – August 2015
- g) Fire Department – Hwy Supt Dains informed that Board:

- 1) There will be a 9-11 Remembrance at the High School tomorrow night at 6:30 p.m. prior to the football game.
- 2) Fire Prevention Month is coming up (October) and the fire companies are starting the planning.
- 3) East Concord Fire Department will be having a tractor pull event on Saturday, September 19, 2015.

h) Highway Superintendent Report. Hwy Supt Dains highlighted his filed report.

- 1) On Wednesday, September 16th the department will be doing the top oil/chip on Rocky Road and Waterville Road. After that the department will be assisting the Town of Colden later that day.
- 2) Last month Hwy Supt Dains had asked the Board to declare

four items as surplus equipment. The Board tabled two items: the 2002 International Cab and Chassis and the 2004 Mack CV713 Dump/Plow Truck which would be taken out of service upon the arrival of the 2015 Western Star Dump/Plow Truck.

The new Western Star has arrived and will go on the road next week. All new equipment has been delivered. Hwy Supt Dains invited the Board to stop in to the highway department to see the new equipment. Councilman Salzler questioned Hwy Supt Dains if he wouldn't rather have a ten wheeler for a backup truck instead of a single axle. Hwy Supt Dains noted that he still has three ten wheelers so he is in good shape. Motion by Councilman Krezmien, seconded by Councilwoman King, to declare 2002 International Cab and Chassis and the 2004 Mack CV713 Dump/Plow Truck as surplus equipment. Councilwoman King, Councilmen Krezmien, Salzler & Drake; Supervisor Eppolito, voting aye. Carried.

3) Hwy Supt Dains asked the Board to declare the fencing that the Town had from the West Valley Nuclear Plant as surplus. This is a chain link type fence about 6' to 8' in height. Hwy Supt Dains will roll out one roll to get the length of each roll. There are 18 rolls. This will be put on Auctions International as well. Motion by Councilman Salzler, seconded by Councilman Krezmien, to declare the above fencing surplus. Councilwoman King, Councilmen Krezmien, Salzler & Drake; Supervisor Eppolito, voting aye. Carried.

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

ITEM #4. NEW BUSINESS

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

General Fund A, abstract 9, bills 934-995 & 1045; \$20,415.62
 General Fund B, abstract 9, bills 996-1004; \$2,473.39
 Library Fund, abstract 9, bills 1005-1006; \$362.10
 Fire Protection, abstract 9, NONE
 Joint Van, abstract 9, bills 1007-1009; \$749.93
 Joint Youth, abstract 9, bill 1010; \$596.72
 Craneridge Lighting, abstract 9, bill 1011; \$1,904.19
 Craneridge Sewer, abstract 9, bills 1012-1017; \$2,626.05
 Highway DA, abstract 9, NONE
 Highway DB, abstract 9, bills 1018-1035 & 1046-1049; \$38,136.90
 Kissing Bridge Water, abstract 9, bills 1036-1038; \$1,327.84
 Kissing Bridge Sewer, abstract 9, bills 1039-1040; \$1,555.00
 Trevett Rd. Water, abstract 9, bill 1041; \$2,358.00
 Cattaraugus Street Water, abstract 9, NONE
 Trust & Agency, abstract 9, NONE
 Capital (HA) C. Sewer, abstract 9, NONE
 Capital (HB) Land, abstract 9, NONE
 Capital (HD) Catt. St, abstract 9, NONE
 Capital (HE) Sr. Ctr, abstract 9, bills 1042-1043; \$1,507.00
 Capital (HF) Hwy Equip, abstract 9, bill 1044; \$87,594.76

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

b) Declare Rototiller at Town Park Surplus - Motion by Councilman Krezmien, seconded by Councilman Salzler, to declare the Rototiller at the Town Park as surplus. Councilwoman King, Councilmen Krezmien, Salzler & Drake; Supervisor Eppolito, voting aye. Carried.

c) NYS Agricultural and Markets Law – This Notice is also posted in the Bulletin Board at the Town Hall and the town’s website.

PUBLIC NOTICE

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerk’s, Assessors and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at www.erie.gov/environment.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

Contact Information:
Elias Reden, Planner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202
Phone: (716) 858-1911
Fax: (716) 858-7248
Email: agriculture@erie.gov

Supervisor Eppolito asked Planning Board Chairman Zittel about reviewing the Ag Lands. Believes this needs to be done every 7 to 10 years. Supervisor Eppolito will check to see when the Town has to do this review.

d) Set date for Public Hearing for 2016 Budget – Supervisor Eppolito noted that the final Budget Workshop would be held on Monday, September 21st at 10 a.m. There will be a Special Town Board Meeting on Wednesday, September 30th at 10 a.m. for the presentation of the 2016 Budget. Supervisor Eppolito asked the Board to set the Public Hearing for October 8, 2015 at 6:30 p.m. Motion by Councilman Drake, seconded by Councilman Salzler, to set the Public Hearing for October 8, 2015 at 6:15 p.m. Councilwoman King, Councilmen Krezmien, Salzler & Drake; Supervisor Eppolito, voting aye. Carried.

e) Set date for Public Hearing for CDBG – Supervisor Eppolito asked the Board to set the Public Hearing for October 8, 2015 at 6:50 p.m. The Town will list the Rural Transit Van as our project. Motion by Councilman Salzler, seconded by Councilman Drake, to set the Public Hearing for October 8, 2015 at 6:50 p.m. Councilwoman King, Councilmen Krezmien, Salzler & Drake; Supervisor Eppolito, voting aye. Carried.

f) Hire Senior Center Custodian – Supervisor Eppolito has spoken with Nancy Szudzik, who cleans the Hulbert Library, and she is willing to take on the cleaning of the Senior Center. She is currently paid by Erie County at the rate of \$11.15/hour. There was discussion about hourly rate and the amount of hours. The amount of hours

necessary is difficult to determine but cannot exceed 19 hours per week. She would report to the Senior Citizen Center Advisory Board. The Board agreed that when someone rents the Center, a cleaning fee should be incorporated into the rental amount. Motion by Councilman Salzler, seconded by Councilman Drake, to hire Nancy Szudzik as the cleaner of the Senior Center at the rate of pay of \$11.15/hour, not to exceed 19 hours per week. Councilwoman King, Councilmen Krezmien, Salzler & Drake; Supervisor Eppolito, voting aye. Carried.

g) Management Service Agreement – Senior Center – The Board and Town Attorney Barone received copies of the Agreement as prepared by Healthy Community Alliance, copy attached to the Minutes.

Town Attorney Barone had the following comments:

1) Page 1, paragraph 5(a) after the words “Exhibit A attached” insert “and made a part hereof.”

2) Page 2, paragraph 5(b) – what/why are there references to the County? Should this be Town of Concord?

3) Page 2, paragraph 6(a) – insert the word “independent” just before contractor so it would read “independent contractor.”

4) Page 3, paragraph 9(b) – who is client? Client is not defined. What is the intent of the paragraph? She would like to delete this paragraph.

5) Page 4, paragraph 9(i) – there is no #12 and not clear why #11 survives.

6) Town Attorney Barone also noted that the Town would also need Proof of Liability Insurance (should show coverage for employee misconduct) naming Town as Additional Insured, Proof of Worker’s Compensation and Disability coverage and ongoing proof of tax payments.

Motion by Councilwoman King, seconded by Councilman Krezmien, to approve the Management Services Agreement with the above conditions. Councilwoman King, Councilmen Krezmien, Salzler & Drake; Supervisor Eppolito, voting aye. Carried.

ITEM #5. OLD BUSINESS

There was no Old Business.

ITEM #6. CONSENT AGENDA

a) Association of Erie County Governments 6/18/15 Minutes

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

ITEM #7. EXECUTIVE SESSION

There was no Executive Session.

ITEM #8. COUNCILMAN NOTES

a) Councilman Drake received a telephone call from the West Valley Nuclear Plant stating that they are taking ground readings to verify the helicopter readings taken previously. There was nothing for our residents to worry about.

b) Councilwoman King had attended the Senior Citizen Center Advisory Board meeting and reported the following:

1) There were 108 people at the Concord Senior Meeting held at the Senior Center on Wednesday, October 9th. At that time there were some issues with the air conditioning the Center and this will be checked into. Also reported that a thermostat cover should probably be installed.

2) There appears to be a film on the tile floor. Discussed putting a sealant on the floor but that is not recommended by the manufacturer. Further discussion about whether this film could be a grout haze and if a cleaning with vinegar may remove it. Will check the manufacturer to see what cleaning solution is recommended.

3) Asked the status of the sidewalk connecting the Orchard Senior Housing and the Concord Senior Center. Supervisor Eppolito and Councilman Salzler have made telephone calls to local concrete contractors but have not had any response. This is not something the highway department could do. The cost of this sidewalk would be split between People, Inc. and the Town.

4) The WiFi is not working properly. Supervisor Eppolito will follow up.

5) Sign. Supervisor Eppolito is working with the company on the sign and just approved the design.

6) As discussed in Work Session, the copier and cabinets will be delivered to the Senior Center together with the TV set.

7) The paper towel dispenser was overstuffed and huge amounts came out at one time and the soap dispensers were not yet filled.

8) Aaron at Town Engineer Alianello's Office is working with Moore Road Construction on the landscaping/reseeding at the Center.

9) The committee will develop a usage form.

10) Home Bureau will be coming to the Senior Center later this Fall. They will be allowed to store their supplies in one of the storage areas in storage totes.

c) Supervisor Eppolito informed that Board of the following:

1) Ribbon cutting ceremony for the Franklin Street area road project will be Monday, September 14th at 11 a.m.

2) Ribbon cutting ceremony at Zahm & Matson will be Monday, September 14th at 9:30 a.m.

3) The Bond Closing combining the Cattaraugus Street Water, Crane Ridge Sewer and the Senior Center Land purchase will be held on Wednesday, September 23rd at 11 a.m. The BAN sale took place earlier today.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Salzler, seconded by Councilwoman King, and passed unanimously, to adjourn the meeting at 7:50 p.m. in memory of:

Walter J. Jozwiak
Ketti Ann Schmauss
Joanne Swartzmiller



Darlene G. Schweikert
Town Clerk