

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

MEETING CALLED TO ORDER BY GARY A. EPPOLITO, SUPERVISOR

PRESENT: GARY A. EPPOLITO, SUPERVISOR
JAMES M. KREZMIEN, COUNCILMAN
CLYDE M. DRAKE, COUNCILMAN
KENNETH D. ZITTEL, COUNCILMAN

EXCUSED: PAUL F. SALZLER, COUNCILMAN

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

GEORGE DONHAUSER ASHLEY CHAMPION, Nixon Peabody/Verizon
MIKE SUTTON ROBB LUBIN, Site Acquisition Specialist
HANK DUWE
KARL SIMMETH, Assemblyman DiPetro's Office

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR EPPOLITO

ITEM #1. APPROVAL OF MINUTES

a) Town Board Work Session – 3/11/2016 – Motion by Councilman Drake seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler excused. Carried.

b) Town Board Meeting – 3/11/2016 – Motion by Councilman Zittel, seconded by Councilman Drake, to approve the minutes as presented. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried.

c) Special Town Board Meeting – 3/29/2016 – Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried.

d) Bid Opening-Spring Trash Pick Up – 4/4/2016 – Motion by Councilman Krezmien, seconded by Councilman Drake, to approve the minutes as presented. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried.

ITEM #2. PUBLIC COMMENT

Supervisor Eppolito opened the floor for Public Comment for any items not on tonight's agenda.

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

ITEM #3. MONTHLY REPORTS

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

- a) Code Enforcement Officer – March 2016
- b) Dog Control Officer – March 2016
- c) Town Clerk Report – March 2016
- d) Judge Frank Report – February 2016
- e) Judge Gibbin Report – February 2016
- f) Van Report – October 2015
- g) Van Report – November 2015
- h) Van Report – December 2015
- i) Van Report – January 2016
- j) Van Report – February 2016
- k) Van Report – March 2016
- l) Nutrition Site Report – March 2016

m) Highway Report – Hwy Supt Dains had filed his written report. There were a couple new items he needed the Board to approve:

(1) Hwy Supt Dains presented the Board with the NYS DOT CHIPS and Local PAVE-NY 2016-17 Enacted Budget. The Town's CHIPS apportionment amount is \$56,672.54 and the 2016-17 PAVE-NY apportionment amount is \$12,936.07 for a total of \$69,608.61. PAVE-NY states how this funding can be used expended. A motion is required to have Bookkeeper Ciszak change the budget line to reflect these dollar amounts. Motion by Councilman Krezmien, seconded by Councilman Zittel, to have Bookkeeper Ciszak change the Town's budget line to reflect the increase in the CHIPS/PAVE-NY amounts. Councilmen Krezmien, Salzler, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried.

(2) Hwy Supt Dains prepared the Agreement to Spend Town Highway Funds for Year 2016. Based on the CHIPS/PAVE-NY increase, he will revise the General Repair part of the form and his breakdown of those funds. This can be reviewed at the May meeting. Hwy Supt Dains asked the Board for a motion tonight to approve the Improvements part of the form noting the work to be done on Kaiser Road. This work will be starting before the May meeting. Motion by Councilman Krezmien, seconded by Councilman Drake, to approve the Improvements part of the Agreement to Spend Town Highway Funds for Year 2016. Councilmen Krezmien, Salzler, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried. The Board will sign the Agreement to Spend Highway Funds for the Improvements to Kaiser Road after Hwy Dains makes the necessary revisions.

(3) The Bid Opening for Gravel & Stone Products is scheduled for April 25th at 10 a.m.

(4) Erie County Legislator John Mills asked Hwy Supt Dains which roads in our Town needed repairs. Legislator Mills asks for this information every year. Hwy Supt Dains submitted:

Belscher Road which is down to a single lane closure caused by a slide on the west side of the road. Barriers were put up with a traffic light. This was somewhat difficult for the highway to keep open this winter. There were times when Hwy Supt Dains had to go over with a pick-up truck to open it up on the ends of the barriers. As Fire Chief, he advised Legislator Mills that this is a hazard for emergency response for the fire department's heavy rescue truck and aerial platform ladder truck. It is an extremely narrow passageway with little or no overhead clearance on the east side of the road. Trees come on the east side of the road and into the road. Also throughout the course of the Winter, there is now erosion starting on the east side of the road.

Springville-Boston Road from Route 39 to the Boston Town line. Hand patching and drag paving is just a band aid. Every year it is getting worse. Driving it is like driving an obstacle course. Hwy Supt Dains recalled his travel on the road where he

was over the shoulder part of the time, over the center line part of the time when no oncoming traffic was there and this is beating up our vehicles mechanically. He has received several complaints at the Highway Department. He stressed the issue that when the DOT closes roads down and the 219 is closed, the combination of the state, county and the town maintain that passage. The Town maintains it from Abbott Hill Road south because that is the main thoroughfare for any traffic and truck traffic. If the 219 is closed, this is a busy road. Between the County, State and the Town this road is maintain this road during road closure making sure it is plowed.

Route 240 from Genesee Road to Holland-Glenwood Road. It is also in deplorable condition. Hwy Supt Dains indicated to the reasons are the same as Springville-Boston Road.

These were the three major roads on his list to Legislator Mills but he did state that there are many roads that need to have a lot of work done on them not only on road repair but also drainage and tree trimming as well. He has seen a significant difference in the amount of work the County has completed this past construction season which was all positive as far as Concord County barn is concerned. Senior Engineer Joe Donlon and Hwy Supt Dains speak on a regular basis and try to help each other as much as they can.

(5) Erie County Plow Contract negotiations are underway. Our current contract was a three year contract and is up this year. There was a meeting a month ago with the County and it was very positive. Commissioner John Loffredo, Deputy Commissioner Bill Geary and County Engineer Charlie Sickler were in attendance along with Supervisor Eppolito, Hwy Supt Dains, and Supervisor Jim Bach from Aurora, Hwy Supt Fred Piasecki from Orchard Park, and Hwy Supt Ed Michalski from Evans were are the first meeting. Supervisor Dave Cummings from Newstead was not at the first meeting. During first session they ironed out the actual verbiage on the Plow Contract with that they felt needed to be adjusted as far as verbiage relating to the Town's involved and it was very forthcoming. The first meeting went well. The second meeting was April 13th. The verbiage was corrected and they continued to work on that. Once the County has the revised Contract available, Commissioner John Loffredo will email it to the six of them on the negotiation committee on behalf of all the towns in Region 5 for review. Commissioner Loffredo asked the committee what they were looking at. The committee had some numbers and graphs of what has transpired in the last 15 years as far as fuel costs going up, salt costs going up, wages/benefit packages/health insurance going up, cost of equipment going up, equipment repair going up and this has been a steady increase for the last 12 years. The committee gave their presentation and a few of the towns had figures of cost available. The County was receptive to their remarks. Commissioner Loffredo asked for a figure. The committee indicated to the County that they would like a three year, 6%/6%/6% contract. Commissioner Loffredo did not like that figure and the committee was advised to go back and talk it over and give him something in writing that the committee is serious about. The Town of Concord plows 62.8 miles of Erie County roads. Some towns have hillier terrain but then other towns have to deal with storm sewers and they need to run pure salt so that it will not plug their storm sewers. There are pros and cons in each municipal. There is one County Plow Contract for the whole County and each town can opt to be in that Contract or not to be a part of the Contract. The Town of Boston opted out of the County Contract last year and in that town Erie County plows their own roads.

n) Fire Department – Hwy Supt Dains informed the Board that:

(1) East Concord Firemen's Installation dinner is Saturday, April 16th.

(2) Springville and East Concord are working together on a Recruitment Day for Recruit New York at the High School. This seminar is scheduled for April 15th. They had this event last year and got a few members into the Junior program.

(3) Springville and East Concord will have their Recruitment Day

at the Springville Fire Hall on April 25th.

(4) The Control Center reports that Mercy EMS is 100% for the responses for emergency medical services in the town and the village.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the Fire Department Report and Hwy Report. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried.

ITEM 4. NEW BUSINESS

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

General Fund A, abstract 4, bills
 General Fund B, abstract 4, bills
 Library Fund, abstract 4, bills
 Fire Protection, abstract 4, bills
 Joint Van, abstract 4, bills
 Joint Youth, abstract 4, bills
 Craneridge Lighting, abstract 4, bill
 Craneridge Sewer, abstract 4, bills
 Highway DA, abstract 4, NONE
 Highway DB, abstract 4, bills
 Kissing Bridge Water, abstract 4, bills
 Kissing Bridge Sewer, abstract 4, bill
 Trevett Rd. Water, abstract 4, bill
 Cattaraugus Street Water, abstract 4, NONE
 Trust & Agency, abstract 4, NONE
 Capital (HA) C. Sewer, abstract 4, bill
 Capital (HB) Land, abstract 4, bill
 Capital (HD) Catt. St, abstract 4, bill
 Capital (HE) Sr. Ctr, abstract 4, bills
 Capital (HF) Hwy Equip, abstract 4, bill
 Capital (HG) Waste Study, abstract 4, NONE

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

b) **Village of Springville Fee** – Core Environmental Consultants submitted a request under the Freedom of Information Law (FOIL) for any records pertaining to 14 properties in the East Main Street/Franklin Street/Mechanic Street area. The Village of Springville hired this company for a Phase 1 environmental Study to construct a municipal parking lot on Franklin Street. The Assessor's provided the records requested and there are 189 pages. FOIL requests are charged at \$.25/page for a cost of \$47.25. Ken Kostowniak of the Village of Springville is requesting the Town to waive the FOIL fee associated with this request.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to waive the fee associated with this FOIL request. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried.

c) **Award Spring Trash Bid** – Supervisor Eppolito noted that two sealed bids had been received. MRC Disposal was the lowest bidder at \$12,850.00. The second bid was Waste Management in the amount of \$12,999.00. Motion by Councilman Krezmien, seconded by Councilman Drake, to award the Spring Trash Pickup to MRC Disposal for \$12,850.00. Councilman Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried. Town Clerk Schweikert will contact MRC Disposal to review the display ad and then advertise for the Spring Trash pick up.

d) Award Mowing Bid – Supervisor Eppolito had received four RFPs for the mowing of Spaulding Road, East Concord and Mortons Corners Cemeteries for the 2016 season.

- 1) Landscaping & Excavating by Miller's \$2,200.00
- 2) Aderman Lawn Care \$3,150.00
- 3) Larry K. Heim \$3,150.00
- 4) Nature's Pride \$3,300.00

Motion by Councilman Zittel, seconded by Councilman Drake, to award the mowing of the cemeteries to Landscaping & Excavating by Miller's in the amount of \$2,200.00 for the 2016 season. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried.

Mr. Donhauser asked if a Certificate of Insurance was provided by Miller in their Request for Proposal. Supervisor Eppolito indicated that it had not been included but the Town will receive one prior to the mowing season. Mr. Donhauser asked if Miller would be paying prevailing wage if he hired help for the mowing. Supervisor Eppolito indicated that that is up to Miller.

Award Concord Senior Center Lawn Request for Proposals – This was tabled.

e) Cell Tower – Supervisor Eppolito stated that the Public Hearing was held earlier this evening on this matter. If the Town approves the Special Use Permit for the Telecommunications Tower on the Griffith property, the Town would include the following conditions:

- Allow the County and State co-location access on the tower for emergency response services should it be requested.
- Require tower lighting as requested by Erie County's Section 239 review for Mercy Flight and the Sheriff's Department.
- Payment of MDA Consulting Engineer's fees for their review of the SEQR.
- Landscaping at the site as shown on the Landscape Sketch presented to the Board during the Public Hearing. Landscaping was recommended by the Planning Board as well as MDA Engineers. The sketch submitted by Verizon is very similar to the sketch designed by MDA Consulting Engineers.
- Have Verizon representatives make a good faith effort to see if the driveway can be relocated so that it does not interfere with the driveway of the Sutton home.
- Removal Letter; Bond for Removal.
- Fence around the tower. A fence has been on all plans submitted.
- Verizon representatives to contact the Town Assessor to get a house number on Genesee Road for the actual tower location for emergency purposes.

Supervisor Eppolito stated that the first step in the approval process would be for the Town Board to accept the SEQR which was presented by Verizon and reviewed by MDA Consulting Engineers.

Councilman Krezmien moved the adoption of Resolution 7, seconded by Councilman Zittel:

WHEREAS, it has been determined by the Town of Concord, based on the recommendation of MDA Consulting Engineers, that the information presented by the applicant in their submittal package, and the full Environmental Assessment Form that the proposed action will not result in any adverse environmental impact. The Town Board accepts the site plan review of SEQR and declare a negative declaration on the Type I SEQR.

NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes Supervisor Eppolito to sign and date the Full EAF on behalf of the Town as Lead Agency.

Voting as follows:

Councilman Drake	Aye
Councilman Krezmien	Aye
Councilman Salzler	Excused
Councilman Zittel	Aye
Supervisor Eppolito	Aye

The foregoing Resolution was thereupon declared duly adopted.

The second step in the approval process is to grant the Special Use Permit based on the above conditions. Motion by Councilman Drake, seconded by Councilman Zittel, to approve the Special Use Permit for the Telecommunications Tower on the Griffith Property. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried.

At 7:43 p.m. Ashley Champion, Robb Lubin, Mike Sutton and Hank Duwe left the meeting.

f) **2016 Municipal Clerk's Week** – Supervisor Eppolito noted that May 1 through May 7, 2016 is Municipal Clerk's Week. Councilman Drake read the Proclamation. Councilman Drake moved the adoption of Resolution 8, seconded by Councilman Zittel:

**PROCLAMATION
MUNICIPAL CLERK'S WEEK
MAY 1 THROUGH MAY 7, 2016**

WHEREAS, the Office of the Municipal Clerk, is to uphold constitutional government and the laws of my community; and

WHEREAS, the Municipal Clerk is to conduct my public and private life as to be an example to my fellow citizens, and

WHEREAS, the Municipal Clerk is to impart my profession those standards of quality and integrity that the conduct of the affairs of my office shall be above reproach and to merit public confidence in our community, and

WHEREAS, the Municipal Clerk is to be ever mindful of my neutrality and impartiality, rendering equal service to all and to extend the same treatment I wish to receive myself, and

WHEREAS, the Municipal Clerk is to record that which is true and preserve that which is entrusted to me as if it were my own, and

WHEREAS, the Municipal Clerk is to strive constantly to improve the administration of the affairs of my office consistent with applicable laws and through sound management practices to produce continued progress and so fulfill my responsibilities to my community and others.

NOW, THEREFORE, the Concord Town Board recognizes the week of May 1 through May 7, 2016 as Municipal Clerk's Week, and further extends appreciation to our Municipal Clerk, Darlene G. Schweikert, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

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NOW, THEREFORE, the Concord Town Board recognizes the week of May 1 through May 7, 2016 as Municipal Clerk's Week, and further extends appreciation to our Municipal Clerk, Stephanie A. Bacon, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Voting as follows:

Councilman Drake	Aye
Councilman Krezmien	Aye
Councilman Salzler	Excused
Councilman Zittel	Aye
Supervisor Eppolito	Aye

The foregoing Resolution was thereupon declared duly adopted.

g) Town Hall Telephone System - Supervisor Eppolito received Request for Proposals from three contractors for a new telephone system.

Using our lines and just receiving new equipment:

- 1) Avaya \$10,965.48 plus service for \$132.13 per month
- 2) Kiercom Communications \$5,140.00; no figure for service
- 3) New Generations Communications LLC \$6,003.00 for 5 year software assurance program and 2 year warranty.

New equipment plus instead of the copper lines coming in now, it would be a PRI line:

- 4) Next Generation Communications LLC \$7,346.00.

Also if we choose Next Generation and go with Time Warner Cable for our phone supplier, there is a savings of \$84.92 per month x 36 month agreement = \$3,057.12 savings over 3 years.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to authorize Supervisor Eppolito to sign a new contract with Next Generation for \$7,346. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried.

G. Donhauser asked if this was in the 2016 Budget. It was not. Supervisor Eppolito noted that the funds will be taken out of the reserve account.

h) Laurie King Home Occupation - Ms. King had appeared before the Planning Board at their April 5th meeting. On June 1st, 2015, NYS issued an Operating Certificate to Ms. King to operate a Family Type Home for Adults with a maximum capacity of three residents. Planning Board recommended the Town Board review our Code with regard to the square footage utilized for the facility and the number of employees. Ms. King already has NYS and Erie County approval to operate this facility. The Board acknowledges Ms. King's Home Occupation Permit has been filed with the Town and that she has NYS and Erie County approval and her facility will be monitored by those agencies.

i) Standard Work Day and Reporting Resolution – Councilman Krezmien moved the adoption of Resolution 9, seconded by Councilman Drake:

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:

Town Justice Timothy P. Frank, SS#4622, Reg. No. 35446863, Standard Day 6, Term 01/01/2016-12/31/2019, Time Keeping No. Day/Month 1.32

Town Historian David C. Batterson, SS#4326, Reg. No. 41724170, Standard Day 6, Term 01/01/2016-12/31/2016, Time Keeping No, Day/Month 5.19

Sec./Bookkeeper to the Supervisor Denise R. Ciszak, SS#1838, Reg. No. 36870582, Standard Day 7, Term 06/01/1992-12/31/2017, Time Keeping Yes

Deputy Town Clerk Stephanie A. Bacon, SS#5969, Reg. No. 50164615, Standard Day 7, Term 01/01/2016-12/31/2016, Time Keeping Yes

Court Clerk Amy L. Schosek, SS#3851, Reg. No. 50331503, Standard Day 7, Term 01/01/2016-12/31/2016, Time Keeping Yes

Assessment Clerk Sherri A. Ondesko, SS#9853, Reg. No. 60469350, Standard Day 7, Term 10/01/2013-12/31/2019, Time Keeping Yes

Voting as follows:

Councilman Drake	Aye
Councilman Krezmien	Aye
Councilman Salzler	Excused
Councilman Zittel	Aye
Supervisor Eppolito	Aye

The foregoing Resolution was thereupon declared duly adopted.

j) MDA Consulting Engineers Contract-Jim Thoman- Supervisor Eppolito had received a contract from MDA Engineer with regard to the employment of Mr. Thoman. Town Atty Barone is reviewing this contract. If all is found to be in order, Supervisor Eppolito would like authority to sign the contract. Motion by Councilman Krezmien, seconded by Councilman Drake, to authorize Supervisor Eppolito to sign the MDA Consulting Engineers contract with Town Atty Barone approval. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried.

ITEM # 5. OLD BUSINESS

There was nothing for Old Business. Motion by Councilman Drake, seconded by Councilman Zittel, to close Old Business. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried.

ITEM #6. CONSENT AGENDA

- a) Concord Crest Golf Course – Liquor License
- b) Lake Erie Watershed Protection Alliance
- c) Southtowns Community Enhancement Coalition
- d) Erie County Water Quality Committee
- e) Coalition for Community Building
- f) Tax Cap Association of Erie County Governments
- g) Erie County Planning Board
- h) 2016-17 NYS Budget Summary prepared by Masiello, Martucci & Calabrese
- i) Southtowns Coalition & Southtowns Farm Trail April-June 2016 Newsletter
- j) WNY Dairy/Ag Festival Committee Meeting 4/12/16

Motion by Councilman Zittel, seconded by Councilman Drake, to approve the Consent Agenda, Items a-j. Councilmen Krezmien, Drake & Zittel; Supervisor Eppolito, voting aye; Councilman Salzler, excused. Carried. Supervisor Eppolito asked Town Clerk Schweikert to share the Erie County Planning Board information with our Planning Board.

ITEM #7. COUNCILMAN NOTES

- 1) Councilman Drake indicated that NYS requires all public buildings to have carbon monoxide detectors installed. Supervisor Eppolito stated that these have been installed in all building except the Highway barn and he will get one to Hwy Supt Dains.
- 2) Councilman Zittel provided the members with information regarding Solar Farms. Supervisor Eppolito noted that this was discussed at a recent Supervisor’s meeting.

ITEM #8. MOTION TO ADJOURN

Motion by Councilman Krezmien, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 8:06 p.m. in memory of:

- Janina Kizielewicz
- Linda K. Catalano
- Steve G. Becony
- Ronald C. Wilcox
- Leon G. Proctor
- Robert E. Shaffer
- Theresa E. Hintz
- Walter A. Clark
- Gordon James Falconer
- Nancy Lou Alberico
- Laura Mae Belscher
- Carolyn R. Swarts



 Darlene G. Schweikert
 Town Clerk