

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

October 11, 2018

MEETING CALLED TO ORDER BY CLYDE M. DRAKE, SUPERVISOR

PRESENT: CLYDE M. DRAKE, SUPERVISOR
JAMES M. KREZMIEN, COUNCILMAN
KENNETH D. ZITTEL, COUNCILMAN
WILLIAM F. SNYDER, III, COUNCILMAN
PHILIP DROZD, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
DENNIS DAINS, Hwy Supt.
BRIAN F. ATTEA, Town Attorney
CAROLYN ROBINSON, Dog Control Officer
GEORGE DONHAUSER, Planning Board

KELLEN M QUIGLEY, Springville Times
COLLEEN MAHONEY, Springville Journal
MARY JEAN MIESS JOHN MIESS

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1. APPROVAL OF MINUTES

a) Public Hearing-Comprehensive Plan – 9/13/18 – Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. (This was listed on the Agenda as Work Session.)

b) Town Board Meeting – 9/13/2018 – Motion by Councilman Krezmien, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #2. PUBLIC COMMENT

Supervisor Drake opened the floor for Public Comment.

DCO Robinson asked the Board for an update on Trevett Road. She was hopeful that maybe something could happen. Supervisor Drake noted that the media was out there and took a ride with resident Steve Bugary, Mortons Corners Fire Company. DCO Robinson noted that the response time is really long. Winter is coming. Groth Road is awful. She knows that this is a County Road. Supervisor Drake advised that the Town has reached out to Legislator Mills and had been trying to work with the Erie County Highway Department. DCO Robinson thanked the Board.

No one wished to address the Board. Motion by Councilman Krezmien, seconded by Councilman Zittel, to close Public Comment. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #3. MONTHLY REPORTS

Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the Monthly Reports, Items a-e. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake voting aye. Carried.

- a) Code Enforcement Officer – September 2018
- b) Dog Control Officer – September 2018

- c) Town Clerk Report – September 2018
- d) Judge Gibbin Report – August 2018
- e) Judge Frank Report – August 2018
- f) Highway Report – Hwy Supt Dains reviewed his filed report.

Hwy Supt Dains discussed the following with the Board:

(1) The last storm this past weekend the Town roads fared pretty well. There was some damage on Spaulding Road at the cross culvert on the road. It did not affect the structural integrity of the road. It did overflow and this is normally a dry creek. Seven inches of rain and it doesn't take long for it to go over. That has been fixed and repaired. There was a little wash out on Smith Road with some stone and that has been repaired.

(2) On Tuesday and Wednesday he walked Craneridge. There was a lot of debris: sticks, brush on some of the major culverts that were partially blocked and as he walked he pulled it out and opened it up. The excavator is now there and the department will start on Monday cleaning up some debris and sediment in front of the pipes in Craneridge. Hwy Supt Dains has a resident in Craneridge who is very helpful in giving input of what he finds in the area. Hwy Supt Dains refers to Mr. Bingeman as his Deputy Highway Superintendent and thanked Mr. Bingeman for his assistance in passing along the knowledge of what needs to be done in Craneridge. Hwy Supt Dains had some requests from Craneridge residents in regards to damage on their property. During the flood of 2005 FEMA was here. Then Supervisor Eppolito and Hwy Supt Dains met with the Craneridge Association and got FEMA to do a little more work but the Association was going to form a Drainage Committee to look at taking care of some drainage issues. Since 2005 this Committee has not yet done anything. Now everything is migrating down again with these heavy rains. His department will go in and do whatever they can within the right of ways. Also during his walk in the area, at the intersection of Deer Run and Tarn, he noticed a pipe down for the access road for the sanitary sewer. Hwy Supt Dains checked with Bookkeeper Ciszak and there is money in the Craneridge Sewer line so the department will go up there and re-stabilize that cross culvert pipe next week.

(3) Hwy Supt Dains asked that two items be added under New Business: Publish the Notices for the Seasonal Abandonment and also the Notice for Town Highway Law Section 214.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to accept the Highway Report. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

g) Fire Department Report – Councilman Drozd, board liaison to the Springville Vol Fire Co., reported that the Springville Fire Department's Sportsman Raffle fundraiser will be held this Saturday, October 13th.

Motion by Councilman Krezmien, seconded by Councilman Snyder, to accept the Fire Department Report. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #4: OLD BUSINESS

There was nothing for Old Business.

ITEM #5: NEW BUSINESS

Supervisor Drake asked the Board for a motion to add three additional items to the Agenda: Item e, Senior Center Generator Bid; Item f, Notice Highway Depositing Snow & Ice; Item g, Notice Seasonal Abandonment. Motion by Councilman Krezmien, seconded by Councilman Zittel, to add these three items to the Agenda. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

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

General Fund A, abstract 10, bills
 General Fund B, abstract 10, bills
 Library Fund, abstract 10, bill 1054;
 Fire Protection, abstract 10, NONE
 Joint Van, abstract 10, bills
 Joint Youth, abstract 10, bills,
 Craneridge Lighting, abstract 10, bills
 Craneridge Sewer, abstract 10, bills
 Highway DA, abstract 10, NONE
 Highway DB, abstract 10, bills
 Kissing Bridge Water, abstract 10, bills
 Kissing Bridge Sewer, abstract 10, bills
 Trevett Rd. Water, abstract 10, bill
 Cattaraugus St. Water, abstract 10, bill
 Trust & Agency, abstract 10, NONE
 Capital (HA) Craneridge Sewer, abstract 10, NONE
 Capital (HB) Land, abstract 10, NONE
 Capital (HD) Catt St, abstract 10, NONE
 Capital (HE) Sr. Ctr, abstract 10, NONE
 Capital (HF) Hwy Equip, abstract 10, NONE
 Capital (HG) Waste Study, abstract 10, NONE

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

b) Resolution for CDBG Funding – Supervisor Drake asked the Board for a
 resolution naming the Rural Transit Service as Project #1 for 2019 in the Community
 Development Block Grant program administered by the Erie County Department of
 Environment and Planning

Councilman Drozd moved the adoption of Resolution 11, seconded by
 Councilman Zittel:

WHEREAS, Town Clerk Schweikert had published the Notice of Public Hearing
 in the Springville Times on September 21st, 2018. Said Notice of Public Hearing was
 also posted on the Town of Concord Website and on the signboard at the Town Hall on
 September 17, 2018;

WHEREAS, that the Town Board of the Town of Concord held a public hearing
 on Thursday, October 11th, 2018;

NOW, THEREFORE BE IT

RESOLVED, that at a meeting of the Town Board of the Town of Concord, held
 on Thursday, October 11th, 2018, the Town Board authorized Clyde M. Drake,
 Supervisor, to sign, submit and execute a contract with Erie County Community
 Development Block Grant (ECCDBG) program for the following project upon approval
 of the ECCDBG:

1. The Rural Transit Service

Voting as follows:

Councilman Drozd	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Drake	Aye

The foregoing resolution was thereupon declared duly adopted.

c) **Set Public Hearing re: 2019 Budget Tax Cap Local Law** – Supervisor Drake asked the Board to set the Public Hearing for the 2019 Budget Tax Cap Local Law. By law, if the Town is going over the tax cap, a local law is required. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set the Public Hearing for Thursday, November 8, 2018 at 6:30 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake advised that the Public Hearing can be held the same night as the Board adopts the budget.

d) **NYS Sexual Harassment Policy** – Supervisor Drake advised that New York State has a new Sexual Harassment Policy. The policy has been changed to insert the Town of Concord in several different places in the policy. This policy has to be given to every employee and to any person on any of our committees. It will become part of our Employee Handbook. Supervisor Drake will be reviewing the handbook. The Town would be adopting the NYS policy as our policy. Motion by Councilman Zittel, seconded by Councilman Krezmien, to adopt the NYS Sexual Harassment Policy as the Town's policy. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake will provide Town Clerk Schweikert with a copy of the form to be used to report any sexual harassment.

e) **Senior Center Generator Bid** – Supervisor Drake advised that the generator bid opening was held yesterday. There were three bids received. The low bidder was Gerwitz & McNeil in the amount of \$65,648.00. This includes the flat work. The bids were reviewed by MDA Engineers and the Gerwitz & McNeil bid has been recommended to the Board. Discussion about the \$50,000 grant from CDBG and the Town's costs which include MDA Engineers' fees. Motion by Councilman Snyder, seconded by Councilman Zittel, to accept the Gerwitz & McNeil bid in the amount of \$65,648.00. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

f) **Highway Department Depositing Snow & Ice etc** – Motion by Councilman Krezmien, seconded by Councilman Zittel, to direct Town Clerk Schweikert to put the Notice in the Springville Times regarding Highway Law Section 214- Depositing Snow, Ice, Stones, Sticks, etc. upon the Highway and Parking Restrictions. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

g) **Seasonal Abandonment** - Motion by Councilman Krezmien, seconded by Councilman Zittel, to direct Town Clerk Schweikert to put the Notice in the Springville Times regarding the Seasonal Abandonment of Randall Drive and White Street. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM 6. EXECUTIVE SESSION

There was no Executive Session.

ITEM #7. CONSENT AGENDA

There was nothing for Consent Agenda

ITEM #8. COUNCILMAN NOTES

a) Councilman Drozd updated the Board regarding the Hulbert Library:

(1) The new caretaker, Gerald Krzemien, started at the library on October 1st. He is doing a good job; the tree by the flag pole has been trimmed. A new flag has been ordered and the library is planning a new flag raising ceremony in conjunction with Veteran's Day. Librarian Morris is reaching out to the VFW and Legion in this regard.

(2) The Library Board asked about the budget process. The parking lot at the library is in need of repair.

b) Councilman Drozd also noted that he has been in contact with a resident on Trevett Board and has been working with Commissioner Bill Geary at Erie Co. on the condition and repair of Trevett Road. Legislator Mills is also aware of what is going on as well.

c) Councilman Zittel complimented the Town Highway Department. There has been some awful rain and the department is doing a fantastic with the roads and ditches. He has also noted that the Erie County Highway Department has also been doing some work in the Town.

d) Councilman Zittel noted that the East Concord Vol. Fire Department is in the process of blacktopping their parking lot. The binder is down. It should be finished next week.

e) Councilman Zittel stated he had one last comment: Summer is over. Community Park was winterized today.

f) Supervisor Drake updated the Board with regard to the Charter One Franchise Agreement. The verbiage has been squared away and Town Atty Attea approved the agreement. Supervisor Drake signed the Agreement and the Town is waiting for Charter One to return the signed Agreement. Councilman Drozd asked about the gray area and Supervisor Drake stated that Charter One is still looking into service for that area.

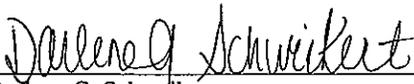
g) Supervisor Drake advised that he has been in training in Ellicottville for the two days and will go a half day tomorrow taking advanced accounting training. There are some policies that the Town needs to have in place and he will be working on these to get the Town caught up to where we should be.

h) Supervisor Drake asked the Board if the members thought there should be another work session to wrap up the budget process. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set a budget work session for Tuesday, October 30th, 2018 at 6 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Zittel, seconded by Councilman Krezmien, and passed unanimously, to adjourn the meeting at 7:30 p.m. Highway Supt Dains asked that the meeting be closed in memory of:

John Lipoff, Springville Fire Company
Patrick Joyce, Town of Holland Highway Superintendent



Darlene G. Schweikert
Town Clerk