

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

November 14, 2019

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

KELLEN M. QUIGLEY, Springville Times	MAX BORSUK, Springville Journal
GEORGE DONHAUSER	BARRY A. EDWARDS
MARY JANE MIESS	JOHN MIESS
DAWNMARIE DAINS	CHARLES J. SCHWEIKERT, JR.

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1. APPROVAL OF MINUTES

a) Public Hearing 2020 Preliminary Budget – 10/10/19 – Motion by Councilman Zittel, seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) Public Hearing Community Development Block Grant – 10/10/19 – Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the Minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

c) Public Hearing Local Law #3 of 2019 – 10/10/2019 – Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake pointed out that this Local Law was passed in case the Town went over the tax cap for the budget. When the budget information was entered into the New York State system, the Town ended up not going over the cap. There was a growth factor built in of 5.7% which kept the Town under the tax cap. The good news is that the Town concentrated on doing a budget that the Town needed; not trying to stay under the tax cap.

d) Town Board Meeting – 10/10/2019 – Motion by Councilman Zittel, seconded by Councilman Drozd, to approve the Minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

e) Special Town Board Meeting – 10/31/2019 – Motion by Councilman Drozd, 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.

Mary Jane Miess congratulated Highway Superintendent Dains on his retirement; he always did a great job.

No one else 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-i. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake voting aye. Carried.

a) Code Enforcement Officer – October 2019; there are currently 7 new homes and 14 significant additions or renovations being regularly inspected and monitored by the CEO that are carried over from 2014-2018 or new in 2019. The CEO continues to investigate various complaints as they are received regarding suspected code violations, junk accumulation and construction without permits.

b) Dog Control Officer – October 2019; 25 Summonses were served and a dangerous dog hearing was held; 146 calls were received and 114 calls were made.

c) Town Supervisor Report – October 2019

d) Town Clerk Report – October 2019

e) Judge Frank Report – September 2019; \$9,026 was received

f) Judge Gibbin Report – September 2019; \$12,733 was received.

g) Assessor's Office – The Board received an Assessor's Report from Assessor Martin. This report is a job description. The Board will ask Assessor Martin a more statistical driven report on what her office has done.

h) Van Report – September 2019; 68 trips were reported with total miles for the month of 3,341. At the end of September, the odometer reading was 94,594.

i) Van Report – October 2019; 74 trips were reported with total miles for the month of 4,170. At the end of October, the odometer reading was 98,764.

j) Highway Report – Hwy Supt Dains reviewed his filed report. Hwy Supt Dains discussed the following with the Board:

(1) Truck #13 needed some repair work and this was completed; parts and labor came to \$3,998.84. This truck is now the oldest truck in the fleet. It has 10,000 plus hours on it; 130,000 miles and runs like a top.

(2) The new 10-wheeler the Board so graciously let him purchase is a fantastic truck. Hwy Supt Dains thanked the Board for allowing the purchase; this truck is going to be well worth the money.

(3) Hwy Supt Dains reviewed his tenure as a Town of Concord employee; it started in 1995 as a Machine Equipment Operator (MEO) for a few years and then went into the Highway Superintendent position. Over the 24 years, the progress made on Town-owned roads is because of the Board's funding his department and the men in the department over the years. The men do a phenomenal job; out there in the worst conditions; day/night; being a Highway Superintendent is not a 9-5 job; not a 40/hr/week job. It is a 7 days/week; 24 hours/day; 365 days/year. For those 24 years, and on top of that being the Fire Chief for 20 years, and thanked his wife Dawnmarie for standing beside him all these years and letting him do this. Hwy Supt Dains joined the Fire Department because if he needed help, he wanted someone to come help him; that was 43 years ago. This lesson he learned from his father. Over the years wife Dawnmarie put up with a lot; not going to holidays and occasions and he loves her very much and thanked her; there will now be time to spend with his wife and his dog. The Town Boards have been fantastic to work with; they may not agree on everything but make it work for the benefit of the residents. During his years as Highway Superintendent, the Town had two FEMA issues and the Board has worked in hand with him getting reimbursement from FEMA. When Hwy Supt Dains was elected as Highway Superintendent, past Supervisor Eppolito was elected Supervisor. There was already a working relationship with Eppolito from his time with the Village and Hwy Supt Dains' time with the Fire Department. Hwy Supt Dains noted that he can't say enough about the residents, the support they gave him over the years; he thanked the men in the department and hopes things move

progressively forward in the years ahead. Hwy Supt Dains thanked the Board again; past and present Boards; he thoroughly enjoyed his time.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to accept the Highway Report. Councilman Krezmien thanked Hwy Supt Dains for his outstanding service; it made the Town Board's job easier too. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

h) Fire Department Report – Hwy Supt Dains advised:

(1) There was a power outage in the Village yesterday. When good people work for a municipality; things move along at a good clip and get repaired. The power was out for almost two hours. The problem was diagnosed at the substation on North Street; the fire company went out and got generators on the traffic lights. There was a dead spot in the line coming into the Village from the substation.

(2) There was a good turn-out at the Fire Prevention event at the Main Street Hall. The smoke house was there so people could go inside and see what it is like to go into a smoke-filled building. Fire Prevention was also done at SGI Elementary and St. Al's.

(4) Councilman Drozd, board liaison to the Springville Vol Fire Co., reported that the fire company just got a letter on the grant for the parking lot resurfacing project. The company passed the first round of the grant process and are invited to fill out the packet for the second round. This is great news for the company.

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

ITEM #4: OLD BUSINESS

a) Supervisor Drake advised that the Resolution for the Standard Work Day Resolution of Town Historian Batterson was tabled in September. This has not been forgotten by the Board. Mr. Batterson had been out of town and has not yet stopped in to review.

b) Councilman Drozd received correspondence from NYSEG regarding the street lights. On November 6th Sue Westfall noted that her update shows that Concord was done for all the conversions. Hwy Supt Dains noted that they are done except for the new ones they are putting up. The one at Genesee Road and Smith Road intersection was installed. Ms. Westfall is trying to expedite these new ones; NYSEG will do the installation and everything else is done by a contractor. The LED lights to match the other ones are not in yet but she is hopeful to get those in once the order comes in. NYSEG was going to put the old style up and then convert them with the new ones but decided to wait. The old style at Genesee Road and Smith Road will be changed to the new style. Councilman Drozd will keep the Board informed.

c) Councilman Drozd noted that the Hulbert Library has finalized the Social Services intern coming to the library. This started in November; every Wednesday from 12 noon to 7 p.m. The intern will assist residents with any Social Services assistance. Councilman Drozd thanked Librarian Morris for arranging this service.

ITEM #5: NEW BUSINESS

a) **Appropriation Changes** – Supervisor Drake advised that tomorrow is Bookkeeper Ciszak's last day before her retirement and she wanted to do these budget transfers that the Town would normally do in January; to get caught up to date. It is good to know where the Town is currently, especially with Bookkeeper Ciszak's retirement.

Appropriation transfers for the November 14, 2019 Town Board Meeting
Budget Journal Entries as prepared by Bookkeeper Ciszak:

1. Transfer of \$19,642.75 from A3089 State Aid (Justice Grant) to A1110.43 Justice Grant Expenditures.
2. Transfer of \$10,800.00 from A1990.4 Contingent to A1220.1 Supervisor Personal Services.
3. Transfer of \$48.00 from A1220.2 Supervisor Equipment to A1220.41 Supervisor Advertising.
4. Transfer of \$10.00 from A1355.40 Assessor Supplies to A1355.41 Assessor Advertising.
5. Transfer of \$20.00 from A1410.49 Town Clerk Miscellaneous to A1410.42 Town Clerk Dues & Subscriptions.
6. Transfer of \$30,000.00 from A1620.42 Building Maintenance to A1620.2 Building Equipment.
7. Transfer of \$10,000.00 from A1910.4 Insurance to A1620.2 Building Equipment.
8. Transfer of \$19,811.00 from A1990.4 Contingent to A1620.2 Building Equipment.
9. Transfer of \$5,300.00 from A9040.8 Workers Comp. to A1989.41 Postage.
10. Transfer of \$150.00 from A6140.41 Food Pantry to A3510.48 DCO Court Cost.
11. Transfer of \$6,000.00 from A9010.8 State Retirement to A5182.4 Street Lighting.
12. Transfer of \$600.00 from A7110.2 Town Park Equipment to A7110.40 Town Park Supplies.
13. Transfer of \$.01 from A9040.8 Workers Comp. to A9710.7 Serial Bonds Interest.
14. Transfer of \$438.00 from B7010.48 Community Promotions to A7010.49 Concerts in the Park.
15. Transfer of \$219.00 from JV6772.49 Joint Van Miscellaneous to JV9040.8 Joint Van Workers Comp.
16. Transfer of \$2,500.00 from JY9010.8 NYS Retirement to JY7310.1 Joint Youth Personal Services.
17. Transfer of \$979.00 from JY9040.8 Joint Youth Workers Comp. to JY7310.1 Joint Youth Personal Services.
18. Transfer of \$421.92 from JY7310.41 Joint Youth Programs to JY9030.8 Joint Youth Social Security.
19. Transfer of \$15,123.15 from JY7310.41 Joint Youth Programs to JY7310.1 Joint Youth Services.
20. Transfer of \$.01 from SS1-8130-49 Craneridge Sewer Miscellaneous to SS1-9710.7 Serial Bond Interest.
21. Transfer of \$8,000.00 from SS2-599 KB Sewer Unappropriated Fund Balance to SS2-8110.49 KB Sewer Miscellaneous.

22. Transfer of \$376.00 from SW3-599 Cattaraugus Water Unappropriated Fund balance to SW3-8389.41 Cattaraugus Water Maintenance Operation.

23. Transfer of \$5,000.00 from A3097 Erie County (Town Park Grant) to A7110.21 Town Park Grant Funds.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve appropriation transfers 1-23. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

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

General Fund A, abstract 11, bills 1189-1272 & 1327-1343; \$155,349.06
 General Fund B, abstract 11, bills 1273-1282 & 1344-1346; \$202,761.84
 Library Fund, abstract 11, bill 1283; \$326.17
 Fire Protection, abstract 11, NONE
 Joint Van, abstract 11, bills 1284-1286 & 1347; \$3,104.43
 Joint Youth, abstract 11, NONE
 Craneridge Lighting, abstract 11, bill 1297; \$1,688.17
 Craneridge Sewer, abstract 11, bills 1287-1296 & 1348 & 1349; \$30,698.07
 Highway DA, abstract 11, NONE
 Highway DB, abstract 11, bills 1298-1320; \$73,266.10
 Kissing Bridge Water, abstract 11, bills 1321-1322; \$146.00
 Kissing Bridge Sewer, abstract 11, bills 1323-1326 & 1350; \$1,086.66
 Trevett Rd. Water, abstract 11, NONE
 Cattaraugus St. Water, abstract 11, NONE
 Trust & Agency, abstract 11, NONE
 Capital (HA) Craneridge Sewer, abstract 11, NONE
 Capital (HB) Land, abstract 11, NONE
 Capital (HD) Catt St, abstract 11, NONE
 Capital (HE) Sr. Ctr, abstract 11, NONE
 Capital (HF) Hwy Equip, abstract 11, NONE
 Capital (HG) Waste Study, abstract 11, NONE

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

c) Declare Surplus Equipment – Supervisor Drake advised that the conference room storage area had not been cleaned for years and with Bookkeeper Ciszak's retirement, cleaning took place. Supervisor Drake noted that #11 the Night Owl Video Security Kit with four cameras might be old but could possibly be used at the Hulbert Library or the Senior Center and asked that that item be removed from the surplus list. Supervisor Drake noted that most of these items are obsolete and asked the Board to declare the following items surplus; excepting #11:

1. Dell Keyboard CN-0J4628-71616-63R-0BVI
2. Dell Keyboard CN-0DJ331-71616-68T-OVEO
3. Dell Mouse S/N F0V0DEWB
4. Dell Mouse S/N J808864649
5. Sharp Calculator Model DS-2870 S/N 9DOO5762
6. HP Photo Smart Plus Print Scan Copy Web S/N CN0961M148
7. Dimension 5150 Hard Drive/Tower S/N 8Q4CX91
8. Dimension 5150 Hard Drive/Tower S/N 5Q4CX91
9. OptiPlex 745 S/N 9NGTICI
10. Brother Printer Model HL-5370DW S/N UG248L0J835402
11. Night Owl Tiger 4500 4 Channel MPE64 Video Security Kit
12. Brother Printer Model HL-4150CDN0684G2499K52
13. HP Printer S/N CN0CPH61JQ

Motion by Councilman Krezmien, seconded by Councilman Drozd, to declare items 1-13 surplus equipment; excepting #11. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake will look at how best to dispose of the equipment.

d) **Denise Ciszak Vacation Time** – The Board had received a letter from Bookkeeper Ciszak, on her remaining vacation that she wishes to be paid and also comp time of 36.25 hours. Supervisor Drake drew to her attention that our Employee Manual specifically says that no payment for unused compensatory time will be made. After that, Bookkeeper Ciszak sent a letter to the rest of the Board asking the Board to pay this comp time. Supervisor Drake does not think the Town should go against the Employee Manual and pay this time; when he called her in and told her this information, Bookkeeper Ciszak said she was not aware that that was in the Manual. Even though he feels her pain because he lost 240 hours of comp time when the GM Plant was sold. Bookkeeper Ciszak apparently still feels the Town Board should pay her the comp time. Supervisor Drake noted that personally he knows that with training Luella, the new bookkeeper, that Bookkeeper Ciszak did not feel she could take time off but she did have all year to take time off. Supervisor Drake asked the Board for their comments. Councilman Drozd asked Town Atty Attea for a legal opinion. Town Atty Attea noted that this is new issue to him so he would have to look into it but to the extent of his limited knowledge on this issue, it would certainly be up to the Board's discretion but the Manual would indicate that she would not be entitled to comp time payment unless the Board decided to rule otherwise but he would need to check into this further to see if the Board would even have the discretion to make a ruling on that. Councilman Snyder said the Board would be setting precedence if this payment was made. Supervisor Drake advised that the dollar amount difference is \$923.65. Councilman Drozd asked if this is something that could be tabled to allow Town Atty Attea time to research. Town Atty Attea noted that he would be happy to look into this further; no decision has to be made by the Town Board on the policy in the Employee Manual. It would be only if the Town Board felt that there was legitimate interest in looking into making a decision outside of the parameters of the Employee Manual. There is no problem in looking into this further but it would be based on the fact that the Board determines that there is a possibility the Board would want to make that determination. If the Board does not want to make that determination, and remain with the Employee Manual as written, then there would be no need to research. Councilman Zittel asked if there would be any repercussions from the auditor. Supervisor Drake advised that the auditors already have asked for a copy of our Employee Manual so the Town would be written up if this payment is made; he does not know if a Board motion would get us out of any problem but he agrees with Councilman Snyder that the Board would be setting precedence. Town Atty Attea said that he did not believe a Board motion would not eliminate the position of the auditor. Councilman Drozd's understanding is that in the absence of any union contract, the Employee Manual is the one to follow. Councilman Snyder asked if there was a distinction between comp time and vacation time in the Employee Manual. There is. Councilman Snyder asked if this is just the comp time and it is just the comp time. Town Atty Attea advised that according to the Employee Manual, Bookkeeper Ciszak is entitled to her vacation time; she is not entitled to comp time. Councilman Snyder asked Town Atty Attea that if the Board agreed to pay Bookkeeper Ciszak her vacation time and not comp time, then no Board action is required. Town Atty Attea noted that the Board would just be following the Employee Manual and no action would be required. Supervisor Drake advised that the vacation time amount is \$8,918 instead of \$9,841.65. Councilman Zittel said that for someone who served that many years, it's different position when you are self-employed where you can look at what the person did for you. Rules are rules and he knows we need to follow the rules but it is a really tough decision for him. Bookkeeper Ciszak has been at the Town for a long time and Councilman Zittel respects that. Supervisor Drake agreed with Councilman Zittel that it is unfortunate but if anyone should have known that this was in the Manual, it should have been Bookkeeper Ciszak. Councilman Snyder told Councilman Zittel that he doesn't disagree with him but he thinks the Board would be getting themselves in a sticky situation if the Board deviates from the Manual. Councilman Zittel noted that he feels really sad.

Supervisor Drake asked the Board if there was a motion to pay her the \$8,918 in unused vacation time. It may not be necessary as Town Atty Attea noted earlier. Councilman Drozd felt it was a smart move to have the motion even though it is in the Manual. Supervisor Drake noted that the motion could be to pay her the unused vacation time in accordance with the Employee Manual. Town Atty Attea advised that the Board would basically be saying that Bookkeeper Ciszak would be entitled to the benefits available to her through the current Employee Manual. He wants to stick to the legality of it and not move into an area that would be solely at the discretion of the Board to make the decision. Technically a motion would not be required but to the extent that the Board feels it is warranted, there is no harm in making a motion. The Board does not need to make a motion for the Town to follow the policy in the Employee Manual. Councilman Snyder asked if Supervisor Drake wanted a motion for clarification. Supervisor Drake felt that if it was a motion, Bookkeeper Ciszak would know it was a decision of the whole Board. Councilman Krezmien noted that it may not be what the Board wanted but the Employee Manual states otherwise. Town Atty Attea noted that this determination is not a reflection of any lack of appreciation for dedication for the job that Bookkeeper Ciszak did. Councilman Krezmien advised that the Board is just following the Employee Manual; Town Atty Attea noted that the Town Board could amend their Employee Manual if they have the right to do that. Any other employee of the Town is bound by these same rules. Supervisor Drake also noted that this would be spending taxpayer dollars; not their own.

After conferring with Town Atty Attea, motion by Councilman Drozd, seconded by Councilman Snyder, that the Town Board stick to the Employee Manual on the payout of retiring employees. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

e) Set Date for Public Hearing on Fire Contracts – Supervisor Drake advised that the current fire contracts expire December 31, 2019. The Board is still working on the fire contracts. The Town received the information that they had been waiting on. Public Hearing needs to be set to approve the contracts. Supervisor Drake read the Public Hearing Notice that will be published. Supervisor Drake informed the Board that he and Councilman Drozd met with Mortons Corners, East Concord and Boston and have had contact with Springville. One of the areas still being looked at is Mortons Corners and Boston. Hwy Supt Dains noted that it has been this way for 40 years. Supervisor Drake noted that he received a call from Steve Bugary, Mortons Corners Fire Department, that the chiefs have this figured out. The Town has received the list and needs to decide where to go with this. Motion by Councilman Krezmien, seconded by Councilman Snyder, to set the date for the Public Hearing on the Fire Contracts for Thursday, December 12, 2019 at 6:30 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Town Clerk Schweikert will put the notice of the meeting on the signboard at the Town Hall and also the Town's website.

f) AIM Payments – Supervisor Drake advised that the Office of State Comptroller (OSC) is required by Chapter 59 of the Laws of 2019 to withhold certain county sales tax revenues and make payments to various towns and villages in amounts previously received through the Aid and Incentives for Municipalities (AIM) program in the SFY 18-19 as "AIM-related" payments. OSC informed the town that due to the insufficient language of the law as currently written, the do not possess the authority to make these "AIM-related" payments and unless some workable solution is identified by the NYS Division of Budget by December 15, 2109, the Town should not expect to receive their distribution on time. The Town has been assured that the State is aware of the insufficient language related to these "AIM-related" payments and there is a commitment to a permanent Legislative remedy when Session resumes in 2020. Supervisor Drake sent a letter to NYS Budget Director Robert F. Mujica, Jr., advising that this is not acceptable and that it is of utmost importance that a temporary solution be enacted before the December 15, 2019 statutory payment deadline to ensure that the town is unharmed before the legislative fix can be approved. For the Town of Concord, any delay of the \$48,251 payment in December would lead to a significant, and needless, budgetary and cashflow challenge as the Town ends the fiscal year on December 31, 2019. Supervisor Drake's letter is asking the Budget Director to find a way to correct the State's mistake and do the right thing. Supervisor Drake noted that these AIM payments

are a part of the Town's 2020 Budget; to take it out might send the message that the Town doesn't need it. For now, the Town will ride it out and see what happens. The Town does have that Tax Stabilization Fund with approximately \$34,000 in it; this fund has restrictions but this may be time when that fund could be utilized. Supervisor Drake informed the Board that the Association of Town is sending representatives to Albany next week to fight this matter.

Councilman Snyder asked if it would be beneficial for the Board to pass the letter as a Resolution. Supervisor Drake doesn't know if it would be any good; this was on the Agenda just to let the Board know that he was trying to do something. Councilman Snyder would like it on the record as a resolution.

Councilman Snyder moved Resolution 12, seconded by Councilman Zittel:

WHEREAS, the Office of State Comptroller (OSC) is required by Chapter 59 of the Laws of 2019 to withhold certain county sales tax revenues and make payments to various towns and villages in amounts previously received through the Aid and Incentives for Municipalities (AIM) program in the SFY 18-19 as "AIM-related" payments, and

WHEREAS, OSC informed the town that due to the insufficient language of the law as currently written, the do not possess the authority to make these "AIM-related" payments and unless some workable solution is identified by the NYS Division of Budget (DOB) by December 15, 2109, the Town should not expect to receive their distribution on time. Please note that this is an unacceptable outcome to the Town of Concord, and

WHEREAS, The Town has been assured that the State is aware of the insufficient language related to these "AIM-related" payments and there is a commitment to a permanent Legislative remedy when Session resumes in 2020. It is of utmost importance that a temporary solution be enacted before the December 15, 2019 statutory payment deadline to ensure that the Towns, who were expecting a December 2019 payment, are unharmed before the legislative fix can be approved, and

WHEREAS, for the Town of Concord, any delay of the \$48,251 payment in December would lead to a significant, and needless, budgetary and cashflow challenge as the Town ends the fiscal year on December 31, 2019; and

WHEREAS, the towns and villages of Erie County have been advised by Erie County that discussions have and continue to take place among the DOB, OSC, the Buffalo Fiscal Stability Authority (BFSA), the Erie County Fiscal Stability Authority (ECFSA), Erie County and City of Buffalo, where a number of ideas-ranging in complexity-have been discussed without much consensus on their viability as a temporary solution; and

WHEREAS, the simplest solution would be for DOB to identify a source of State funding whereby \$3,709,039 could be advanced to OSC specifically earmarked for "AIM-related" payments, which would allow OSC to distribute in December 2019, as expected, without having to interpret its statutory obligation to remit sales tax revenues directly to the control boards. Then, once a permanent legislative fix can be adopted by the Legislature, DOB can easily recoup its advanced funds through the regular sales tax accrual and reconciliation process in early 2020. Given that this advance and recoupment would take place wholly within the State Fiscal Year, we do not foresee any challenge beyond a temporary and minor cashflow concern; and

WHEREAS, simply put, the Town of Concord did not make this mistake, the State did, yet the Town is set up to be the victim of it. Given how little time remains, it is our view that the simplest solution is likely the best solution.

NOW, THEREFORE, the Town of Concord is calling on the Division of Budget (DOB) to find the will to take an action that is well within its power to avert a looming fiscal challenge for the towns and villages of Erie County; to do the right thing before it is too late.

Voting as follows:

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

g) Highway Superintendent Retirement – Highway Superintendent Dains submitted his letter of resignation to the Board. “It is with great sadness and great anticipation that I am informing you that effective November 14, 2019, I will be retiring from the position of Town of Concord Highway Superintendent. I have enjoyed my employment starting in December of 1995 when hired as a Motor Equipment Operator and continuing as Superintendent of Highways for twenty-four years. I have forged a relationship with the public over the years to provide them with safe and well-maintained town roads. I have also enjoyed a good working relationship with the Town Boards over the years also. The time comes now to enjoy more time with my wife Dawnmarie and my family. Again, thank you for your support of the last twenty-four years.”

This is something Supervisor Drake knew was always out there but hoped not to see it during his term as Supervisor but Hwy Supt Dains certainly deserves the right to retire and enjoy his time with his family.

Councilman Drozd asked to make the motion for his long-time friend; when he was Highway Superintendent, he hired Dennis Dains. Motion by Councilman Drozd, seconded by Councilman Krezmien, to accept the resignation of Highway Superintendent Dains with deep regrets. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake thanked Hwy Supt Dains for working with him; every morning he was in the Supervisor’s Office bringing Supervisor Drake up to date. Hwy Supt Dains again thanked the Boards, present and past, and Town Attorney.

h) Appoint Highway Superintendent – Supervisor Drake noted that Hwy Supt Dains’ last day is tomorrow, the Town Board has been looking to try to replace him. Councilman Krezmien and Councilman Drozd interviewed. Councilman Krezmien noted that this appointment has big shoes to fill. Through the interview process, Councilman Krezmien and Councilman Drozd selected long time employee of the Highway Department, Barry A. Edwards, to fill the position of Highway Superintendent. This is a one-year appointment for year 2020. An election will be required in 2021 to fill the unexpired term of Hwy Supt Dains. Motion by Councilman Krezmien, seconded by Councilman Drozd, to appoint Barry A. Edwards as Highway Superintendent. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

i) Concord Van Guidelines – Supervisor Drake advised that with Bookkeeper Ciszak retiring, the scheduling of the Town’s Senior Van was transferred to Senior Director Eschborn at the Senior Center. This is a cumbersome task; Bookkeeper Ciszak had an amazing memory and scheduled the van for years. Senior Director Eschborn is a very practicable person and is trying to combine rides together the best she can. Senior Director Eschborn realized that people were scheduling the van three months out to get a ride to the airport and then someone has a medical appointment and scheduling that person to get to a medical appointment is difficult. Supervisor Drake and Senior Director Eschborn suggest rides to the airport stop; the Town has been having trouble with the Rural Transit Van Service not being available on a daily basis and the Town’s Senior Van has been needed to cover resident’s needs locally. Supervisor Drake, Senior Director Eschborn, Mayor Krebs, Mary Jane Miess, Sharon Stewart, and Brenda O’Neil are having a meeting next Tuesday regarding the Rural Transit Van; putting our cards on the table and try to get more volunteers. This will be an open discussion about the Rural Transit Van’s phone not being answered and how when the Rural Transit Van service is not working, the Town’s Senior Van is servicing those residents.

Senior Director Eschborn is going through the Town's Senior Van's Registrations and trying to update the records. Guidelines are also necessary and Supervisor Drake and Senior Director Eschborn have prepared the first draft. This will be a work in progress. Medical appointments will have first priority. Councilman Drozd noted that the intent of this Town Van was medical, dental, outpatient not service to the airport. This Van cannot be used for medical emergencies since it is not medically equipped nor are the drivers licensed for that. Councilman Drozd noted that the Guideline Page is missing the telephone number; that this is a good start but more language should be included to tighten the Guidelines up. The Town needs to start limiting the miles on our Van; this Van cannot be used to go to a drugstore in another town when there are drug stores here locally. Getting the Rural Transit Van back would help with the Town Van.

Town of Concord Senior Transportation Application Guidelines:

All trip requests will be evaluated with medical and health purposes being our top priority. Reservations should be made 48 hours in advance and we allow up to two months. Hours for calling are 8:15 a.m. – 3 p.m. Monday through Friday. Please note the van is not handicap accessible.

If you have any medical appointment that you must attend (dialysis, chemotherapy, etc.) please be sure to have an alternate method of transportation in case of unsafe driving conditions (weather, van problems). We do shut down in bad weather.

In order to ride the van, you must:

Be currently living in the Town of Concord.

Be 60 years old or older.

Passengers are asked to contribute each trip, with all contributions confidential.

\$4.00 Suggested Donation per trip.

No one will be denied services because of inability to pay.

TOWN OF CONCORD SENIOR VAN REMINDERS:

1. Always be ready for your ride 15 minutes early.
2. It is your responsibility to be at the agreed upon destination for your return ride home.
3. You must be able to walk on and off the van on your own.
4. You must be able to carry anything you bring with you on and off the van yourself.
5. You must wear your seatbelt at all times while riding in the van.
6. Immediate notification of a cancellation is requested. You could deprive others a ride.
7. No pets are allowed except for Seeing Eye dogs or registered service animals.
8. You are responsible for having clean hygiene while traveling in the van.
9. We want to keep the Concord Senior Van clean and safe for all our riders. No drinking, eating or smoking allowed.

Please remember that the cost of gas continues to rise and we are trying to run a cost-effective transportation service in our community. Not being available for pickup for scheduled rides may have consequences. When scheduling your rides, we may ask that you travel with other passengers so that we can combine trips to serve as many as possible and save on gas.

j) Roof Permit

k) Solar Permit

l) Building Permit

Items (j) (k) and (l) were combined. Code Enforcement Officer Singleton

requested some changes to the Town's Roof Permit, Solar Permit and Building Permit. Changes include adding a line for his signature and the date; cleaning up duplication on the forms. Motion by Councilman Drozd, seconded by Councilman Zittel, to approve the changes to the Roof Permit, Solar Permit and Building Permit as requested by Code Enforcement Officer Singleton. 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

1) Councilman Snyder publicly thanked Hwy Supt Dains for all his work as Highway Superintendent; it was a pleasure working with him and he did a fine job serving the public.

2) Councilman Snyder thanked Bookkeeper Cizsak; she taught him a lot about municipal budgets; he had a lot of respect for her.

3) Councilman Snyder re-read Resolution 12 of Year 2008 into the Minutes.

Councilman Snyder moved Resolution 12, seconded by Councilwoman King:

WHEREAS, there is presently an effort to obtain the railroad right-a-way previously owned by the Baltimore and Ohio Railroad for a Rails to Trails/Snowmobile Trail Project, and

WHEREAS, while this property may soon be abandoned by the railroad, it traverses back and front yards, bisecting several properties and coming into close proximity to many homes in some very rural areas, thus creating very real security and privacy issues, and

WHEREAS, the Town of Concord's Fire Protection Districts do not own the specialized equipment necessary to answer inevitable emergencies on lengthy rural trails, nor does the Town maintain a police force capable of assuring the safety of those utilizing this property, and

WHEREAS, our township already offers ample recreational opportunities including the County owned Sprague Brook and Scoby Hill Parks as well as the Genesee Road Forestry Area where skiing and riding trails are already provided, and the Zoar Valley Nature Area where similar activities may take place, and

WHEREAS, a snowmobile trail already passes through the Town of Concord utilizing public right-a-ways and private property with landowner permission, and

WHEREAS, A public trail, because of its proximity to the West Valley Demonstration Project cleanup, could create serious security issues for those involved, and

WHEREAS, such a project will remove property from our tax rolls thus forcing all the Town of Concord residents to subsidize this effort, and

WHEREAS, absolutely no venture of this nature should be undertaken without the full knowledge and support of those whose properties border such a trail,

NOW, THEREFORE BE IT RESOLVED, That the Town of Concord opposes such an action until consent is obtained from property owners whose properties border

the abandoned property and a study is conducted which includes emergency personnel who must answer calls on approximately eight miles of trails, and the elected officials who ultimately handle the citizen complaints when there is the inevitable abuses of the trail's rules and regulations.

Voting as follows:

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

Councilman Snyder is bringing this Resolution back to the Board because there was bridge constructed just south of the Middle Road on the former right of way of the railroad. His concern is that this will be the making of a trail. The Board in 2008 spoke out against the Rails to Trails. Part of the reason is the liability and risk to the Town for emergency services. There is also privacy and security concerns of the residents. Councilman Snyder also noted that a bridge was built without any permitting process by the Town. The Town has building permits for other purposes but not a bridge so there are safety issues because the bridge was never inspected by the Code Enforcement Officer. Councilman Snyder just wanted this re-read into the record. Councilman Drozd suggested that the Board may want to consider doing after Resolution. Supervisor Drake informed the Board that he reached out to get a copy of the legal agreement with the railroad and has not yet received that. The bridge that Councilman Snyder mentioned was built by the snowmobile club and in conversations with the club, Supervisor Drake was informed that the club builds bridges all the time on private property. Councilman Zittel advised that he spoke with the snowmobile club and they claim that they have permission from the railroad. Councilman Snyder feels the Town needs to see the legal agreement so we know what can and can't be done.

4) Councilman Zittel thanked Bookkeeper Ciszak and Hwy Supt Dains for all their work over the years and all they have done for the Town. They will be missed.

5) Councilman Zittel reported that David Sullivan had a well drilled at the Fairview Cemetery in memorial of his wife Rhonda. There will now be water at the cemetery.

6) Councilman Krezmien congratulated Hwy Supt Dains and Bookkeeper Ciszak on their retirements. The Town is losing two great employees; one elected, one appointed. We will miss them both.

7) Supervisor Drake also thanked Hwy Supt Dains and Bookkeeper Ciszak for the service to the Town and hopes they both enjoy retirement.

8) Supervisor Drake noted that the Veteran's Day ceremony was very nice and thanked the Board for their attendance.

9) Hwy Supt Dains asked Supervisor Drake if the Board was going to make a decision regarding a per diem rate for him to come back and help newly-appointed Hwy Supt Edwards. Supervisor Drake noted that Hwy Supt Dains had offered to come in to help newly-appointed Hwy Supt Edwards at the rate of \$30/hour, on an as needed basis. Supervisor Drake noted that the Town should let newly-appointed Hwy Supt Edwards get his feet on the ground and see what is needed at that point. Supervisor Drake advised that there is an ad going in the Springville Times to try to hire another person for the Highway Department. The applications will be due by Monday, November 25th. Newly-appointed Hwy Supt Edwards will then have a week to conduct interviews and a Special Town Board meeting will be necessary to approve the new hire. The appointment of the new MEO is made by the Highway Superintendent and then approved by the Town Board as a formality. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set a Special Town Board meeting for Tuesday, December 3rd at 9 a.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Krezmien, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 8:13 p.m. in memory of:

Robert Charles Percy
Frank Boice II
Joanne Victoria Bernard
DeeAnna Miller
Dennis J. Pearce
Kimberly Anne Reed
Richard E. Hauth



Darlene G. Schweikert
Town Clerk