

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

October 8, 2020

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
BRIAN F. ATTEA, Town Atty
BARRY A. EDWARDS, Hwy Supt
CAROLYN ROBINSON, Dog Control Officer
JEFF SINGLETON, Code Enforcement Officer

MAX BORSUK, Springville Journal GEORGE DONHAUSER
REED BRAMAN

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1 APPROVAL OF MINUTES

a) Town Board Work Session – 09/10/2020 – Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) Town Board Meeting – 09/10/2020 – Motion by Councilman Krezmien, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

c) Special Town Board Meeting – 10/05/2020 – Motion by Councilman Zittel, seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #2 PUBLIC COMMENT

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

- a) Code Enforcement Officer – September 2020
- b) Dog Control Officer – September 2020
- c) Supervisor Report – August 2020
- d) Town Clerk Report – September 2020
- e) Judge Gibbin – August 2020
- f) Van Report – September 2020

g) Highway Report - Hwy Supt Edwards read his report. His report is included in the Minute Book.

Hwy Supt Edwards asked Town Clerk Schweikert to publish the Seasonal Abandonment of Randall Drive and White Street and the Winter Snow/Ice on Road, Winter Parking notices.

Supervisor Drake noted that as far as the CHIPS money, the Town had budgeted just over \$80,000 and it has been known for quite a while that with COVID, the Town would be receiving about 80% of that amount this year; approximately \$16,000 was lost in that funding source.

Motion by Councilman Zittel, seconded by Councilman Krezmien, to accept the Highway 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

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

General Fund A, abstract 10, bills 892-950; \$27,079.19
 General Fund B, abstract 10, bills 951-952; \$89.22
 Library Fund, abstract 10, bill 953; \$345.18
 Fire Protection, abstract 10, NONE
 Joint Van, abstract 10, bill 954; \$11.07
 Joint Youth, abstract 10, bills 955-957; \$12,017.07
 Craneridge Lighting, abstract 10, bill 958; \$1,541.77
 Craneridge Sewer, abstract 1, bills 959-971; \$8,302.62
 Highway DA, abstract 10, NONE
 Highway DB, abstract 10, bills 972-993; \$15,971.15
 Kissing Bridge Water, abstract 10, bills 994-995; \$146.00
 Kissing Bridge Sewer, abstract 10, bills 996-1000; \$3,827.79
 Trevett Rd. Water, abstract 10, NONE
 Cattaraugus St. Water, abstract 10, NONE
 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 Krezmien, seconded by Councilman Zittel, to approve the bills as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) Resolution for Community Development Block Grant – Supervisor Drake asked the Board for a Resolution for the CDBG program. This was open for discussion; Supervisor Drake had been expecting to put the senior center parking lot on the grant since it is not getting better. Last year the Town had a quote of \$80,000 and the Town would need to contribute 20%. Supervisor Drake advised that the way this grant works is if the Town gets turned down one year, we have a better chance the next year. Councilman Drozd noted that the Town should not put off doing the parking lot or the Town would be in the same situation as the fire company just was; the Town needs to be proactive on this. Supervisor Drake believes that the senior center parking lot has to be ranked Number One. Supervisor Drake advised that not a lot has been happening with Rural Transit especially during COVID, but the Town did just get a new van. He believes that that should be our Number Two project. Supervisor Drake will reach out to Paul DiOrlando to see if the trout pond would stand any chance at all. Supervisor Drake

is not sure that it would qualify; he has been a member of the team that looks at these projects and has never seen anything like that as a project before. Councilman Krezmien noted that not everyone has a trout pond in their community. Supervisor Drake said he has no problem with adding it as a project if the project qualifies. Supervisor Drake asked the Board to determine the ranking of the projects.

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

WHEREAS, Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Journal on September 17, 2020. Said Notice of Public Hearing was also posted on the Town of Concord Website and on the signboard at the Town Hall on September 11, 2020;

WHEREAS, that the Town Board of the Town of Concord held a public hearing on Thursday, October 8, 2020;

NOW, THEREFORE BE IT

RESOLVED, that at a meeting of the Town Board of the Town of Concord, held on Thursday, October 8, 2020, 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. Paving of the Senior Center Parking lot
2. 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) Local Law #1 of 2020; To override the tax cap -- Supervisor Drake asked for a Resolution on the tax cap override. Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Journal on September 17, 2020. Said Notice of Public Hearing was also posted on the Town of Concord Website and on the signboard at the Town Hall on September 11, 2020;

Councilman Zittel moved the adoption of Resolution 12, seconded by Councilman Krezmien:

Local Law No. 1 of the Year 2020
Town of Concord, County of Erie

A local law to override the tax levy limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Concord to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Concord, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2021 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Voting as follows:

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

The foregoing resolution was thereupon declared duly adopted.

d) New Hire Senior Center – Supervisor Drake advised that Jo Anne Walker was hired on September 28, 2020 at the rate of \$12.82 to replace Paula Lutz at the Concord Senior Center. This is a probationary appointment for six months at the rate of \$11.80 as 80% of rate is less than minimum wage. Mrs. Walker was interviewed by Supervisor Drake and Senior Center Director Eschborn. Town Board Member approval had been discussed and unofficially received prior to hire. Mrs. Walker was hired under State of Emergency Powers to fulfill critical Senior Center needs. Supervisor Drake wanted this appointment recorded in the Minutes. Motion by Councilman Krezmien, seconded by Councilman Zittel, to enter the hiring of Jo Anne Walker into the Minutes. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

e) Springville Control Center Contract – Supervisor Drake had provided the Board with members of the Contract for their review. Supervisor Drake pointed out that the Advisory Board has been eliminated and it was replaced with #7 of the Contract:

7. Participant Operational Communications.

a) The Village Administrator and the Senior Dispatcher shall meet weekly to discuss the management and operations of Springville Control. The Village Administrator shall address the issues and advise the Mayor and Town Supervisor.

b) When operational communications problems arise involving the SVFD, and SVFD Fire Chief shall meet with the Village Trustee Fire Department Liaison who shall notify the Village Administrator. When operational communications problems arise involving the Town of Concord fire departments, the Town of Concord Fire Chiefs shall

meet with the Town of Concord Fire Department Liaison who shall notify the Town Supervisor and the Village Administrator. The Village Administrator shall notify the Village Board if needed.

c) Written recommendations by the Chief's Council regarding emergency communications involving the Springville Control shall be sent to the Village Administrator, who will address the issue with the Senior Dispatcher and advise the Mayor and Town Supervisor.

Supervisor Drake is hopeful that this will solve problems. Supervisor Drake told the Board that the Board has to decide if we will sign the Contract. The Town will have monthly meetings with the two Fire Chiefs (Mortons Corners and East Concord) but on the months that the fire companies have their quarterly Chief's Meetings, there would be no meeting with the Town; a representative from the Town will attend those quarterly Chief's Meetings. He told both Fire Chiefs that we can try this and if they are still unhappy, we will have to look elsewhere. He noted that the Control Center is not a bargain to the Town; right now it is just the Town of Concord and the Village of Springville financing the whole process. Hopefully the Village will look into getting more fire companies involved to share the cost. Motion by Councilman Zittel, seconded by Councilman Krezmien, to authorize Supervisor Drake to sign the Springville Control Center Joint Service Agreement. Councilmen Krezmien, Zittel & Snyder; Supervisor Drake, voting aye. Councilman Drozd, abstained since he is Fire Chief. Carried.

f) Fiscal & Environmental Stress Report NYS – Copies of this report was given to the Board. Supervisor Drake compared the Fiscal Stress and Environmental Stress scores from 2017 to 2019. He noted that on the surface the scores look pretty good but if you look further, these scores are driven by population.

Supervisor Drake asked for a motion to add (g) Intermunicipal Agreement CARES Act Local Government Distribution; (h) Public Hearing for the 2021 Budget; and (i) Membership Fee for the Senior Center. Motion by Councilman Drozd, seconded by Councilman Zittel, to add Agenda Items (g), (h) and (i). Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Councilman Snyder asked Supervisor Drake if he were going to set a public meeting to discuss the police department. Supervisor Drake noted he will discuss that later in the meeting.

g) Intermunicipal Agreement CARES ACT Local Government Distribution – Supervisor Drake advised that this Agreement is with Erie County. Erie County gave the Town a chance to recoup some of our losses under the CARES Act for any COVID related expenses. Supervisor Drake submitted the documentation to Erie County and the Agreement is Erie County's response accepting the expenses. Supervisor Drake advised that the amount he submitted was \$20,207.01. The County will reimburse the Town that amount. This is federal money. The Town could potentially be audited on this so if anything got kicked back, the Town would be liable. This amount covered the glass put up to protect the employees (Town Clerk, Court and Assessor), the layoffs, the PPE masks, sanitizers. The Towns only had two weeks to prepare this information. Motion by Councilman Zittel, seconded by Councilman Drozd, to authorize Supervisor Drake to sign the Intermunicipal Agreement CARES Act Local Government Distribution. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

h) Public Hearing on the 2021 Budget – Supervisor Drake asked for a motion to set the Public Hearing on the 2021 Budget for Thursday, October 29th, 2020 at 7 p.m. Motion by Councilman Zittel, seconded by Councilman Krezmien, to set the Public Hearing on the 2021 Budget for Thursday, October 29th, 2020 at 7 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

i) Membership Fee for the Senior Center – Supervisor Drake has been in discussion with Senior Director Eschborn. The Center needs a better record of who is coming into the building in case something happens. An access fee had been discussed

previously but the Board did not act on it. Councilman Drozd noted that these records are needed for COVID tracing purposes too; a lot has happened since this was discussed last time. Councilman Krezmien asked if only members would be allowed to go into the Center? Councilman Drozd thought that the first time someone would come to the Center, they fill out the form. Supervisor Drake asked the Board if they wanted to attach a fee to this membership. Charge more for people who are coming from out of town? Councilman Krezmien does not feel the town residents should not have to pay any fee. Councilman Drozd agreed. Supervisor Drake noted that people cannot be stopped if they are going in for the nutrition site; it would be nice to have their information in case. Right now the Center is open with limited capacity. Councilman Drozd feels that the admission form should be just basic information and he agreed with Councilman Krezmien that Town residents should not pay. Councilman Snyder noted that the justification of charging a fee is because the Town of Concord taxpayers are subsidizing the center. Councilman Drozd felt this fee should not be exorbitant so that no one is left out because it is a social activity for our seniors. Supervisor Drake asked the Board to determine when a fee should start-January 1, 2021? Councilman Drozd feels that now is the time to set a fee. Councilman Zittel felt that it is not fair to the Town of Concord taxpayers to subsidize other people coming into the center. Councilman Drozd said that it is not fair to the people that don't use the center so we should do something. Councilman Zittel asked where people come from that are using the center; Supervisor Drake said primarily Cattaraugus County. After some discussion as to a fee amount, Councilman Krezmien said he would like some time to think about it; table for more research and see what other towns do. Councilman Krezmien said he is ok with a membership fee but the Town residents should not pay a fee. Motion by Councilman Krezmien, seconded by Councilman Drozd, to table the Senior Center Membership fee for out of town residents so an amount can be determined but Town residents would not pay a fee. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake would like to add another budget work session to determine if we will move forward with the Constable Department or not. Councilman Snyder said that to make a decision, it should depend on the public. Unless the Board is strictly looking at this financially. Supervisor Drake said that the Board has to understand the process; the Town will be doing the Preliminary Budget on October 29th and there is still time to make changes after that for the vote on the 2021 budget at the November meeting. Supervisor Drake would hate to get the residents riled up in case the Town does not do it. Councilman Snyder noted that his opinion is that besides the financial side, there is the legal side of it and the public side. Supervisor Drake noted that there is also a social side. A committee would be formed to review what the police are doing. Supervisor Drake feels that another budget meeting is needed to kick this more. The Board agreed to set another budget work session for Thursday, October 15th at 6 p.m. This date does not allow Town Clerk Schweikert enough time to get a notice published in the Springville Journal; it will be posted on the signboard at the Town Hall and on the Town's website. Motion by Councilman Zittel, seconded by Councilman Krezmien, to set a budget work session for Thursday, October 15th, 2020 at 6 p.m. 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 had a library meeting today. He advised the Library Board that the Town Board was receptive of their Library Board's offer of \$5,000 to work on the furnace. Quotes will be obtained.

b) Councilman Drozd advised that it has been a very busy month for the Springville Fire Company; they have a lot of paperwork to do to finish up the grant project.

c) Councilman Snyder has been keeping in touch with SYI as they go through their budget process; they are hoping to get the same level of funding as last year. SYI will be looking at their programs for next year.

d) Councilman Zittel noted that the Fairview Cemetery will be having a Leaf Rake Day on October 17th and October 24th and they are looking for volunteers.

e) Councilman Zittel said that there will be a Southtowns Planning & Development Group will be having a meeting at the Holland Willows at 6 p.m.

f) Councilman Zittel advised that the East Concord Fire Department had five new applications last week for new members.

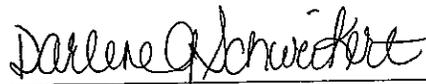
g) Supervisor Drake informed the Board that he had been approached by the neighbor to the East Concord Cemetery about a tree; they were worried that it was going to fall on their fence. A tree company came in and cut it down and Hwy Supt Edwards and his crew chipped it. This saved the Town a lot of money and Supervisor Drake thanked the highway for their assistance. Councilman Drozd also extended thanks to Hwy Supt Edwards from the Library Board for taking down the trees at the Hulbert Library.

h) Supervisor Drake advised the Board that NYS Harassment Training has been set for October 19th at 9 a.m. at the Concord Senior Center. If any employee gets this certification from their employer or takes the training online, they would be exempt from attending this training if they provide Supervisor Drake with a copy of their Certificate.

ITEM #9 MOTION TO ADJOURN

Motion by Councilman Drozd, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 7:49 p.m. in memory of:

- Lloyd N. Pfarnar
- Frederick L. Heida
- Richard V. Miller
- Gordon F. Belscher
- John W. Reed
- Frederick W. Houghton, Jr.
- Janet Baldwin
- Donald R. Reese



Darlene G. Schweikert
Town Clerk

Town of Concord Highway Department

13076 N. Central Avenue

Springville, NY 14141

716-592-4892 Phone

716-592-4357 Fax

Barry A. Edwards, Highway Superintendent

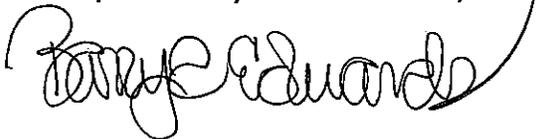
Highway Superintendents Report for the period of
September 11, 2020 to October 8, 2020.

With thirty days in this period the Highway Department
accomplished the following:

- Bill and I continue to paint exterior of shop. It is now complete.
- Moved excavator to Craneridge and Sean and Dan finished front yard for Kelly Campbell.
- Mowed and excavated ditch for the Village of Springville on the corner of Franklin and Cascade Drive.
- Larry helped Boston Highway again with chipping roads.
- Summited CHIPS to NYS for refund but did not get back as much as anticipated.
- Put shoulder machine on Truck#18 and did shoulder work for ourselves and also Sardinia.
- Continued to mow for the fourth time. All mowing is done for the season. Mower has been put away. We also changed oil filters and greased.
- Vac-All library and Town Hall, and hand patched the Town Hall/paved library and Highway garage. I would like to thank the Town of Sardinia for their help.
- Changed oil pan on Truck#15 also changed front wing cylinder, changed oil filter, and greased.
- Cleaned ditch on the corner of Kern and Concord Road.
- Fixed latch and flashing light on excavator also changed oil, filters, and greased. Hopefully have put away for the season.

- Set up screened in yard and started screening millings from the Fire Hall.
- Fixed outside of salt shed.
- Fixed all property lines at shop and found all corners of property. Restacked wall where needed.
- Redid bins at shop to hold materials for multiple jobs.
- Took another load of steel to Buffalo.
- Took 410 to Pete Robbins for electrical problems.
- Started having Trucks inspected. Eleven trucks in one trailer.
- Hauled some winter sand to shop.
- Finished putting steel and new rubber on overhead garage doors.
- Took Truck#11 to Fleet Maintenance for repair.
- Took 550's to ~~Emergincs~~^{Emergincs} for inspection. Truck#16 passed brought back Truck#19 and had Bill do brake job in house.
- Changed oil filters and greased in Highlift. Replaced cylinder on front of quick change bucket.
- Ordered new winter tires for two of the plow trucks.
- Tree has been cut down in the cemetery on the corner of Genesee Road and Route 240.

Respectfully Submitted,



Barry A. Edwards
Highway Superintendent