

December 9, 2021

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

December 9, 2021

MEETING CALLED TO ORDER BY CLYDE M. DRAKE, SUPERVISOR, at 7:34 p.m.

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

EXCUSED: JAMES M. KREZMIEN, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
BARRY A. EDWARDS, Hwy Supt
BRIAN F. ATTEA, Town Atty
DREW REILLY, Wendel Companies (left at 7:45)

MELISSA CLARK
NANCY SCHIEDEL
JARED HAURI
GEORGE DONHAUSER
RYAN LEGGIO

AMY SCHIEDEL
WILL C. VAIL
JOAN BARSALOU
MAX BORSUK, Springville Journal

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1: APPROVAL OF MINUTES

a) Public Hearing – 2022 Budget– 11/11/2021 - Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) Town Board Meeting – 11/11/2021 – Motion by Councilman Snyder, seconded by Councilman Zittel, 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. There was Public Comment at the end of the Comprehensive Plan Update Public Hearing held prior to this meeting. Town Atty Attea advised that it was worth commenting based on what Mr. Reilly said earlier, the best way to make sure your opinion is registered is to put it in writing and send a letter the sources he indicated for the 94-c projects. It would be made a part of the project. The comments made by the residents on the Hoffman solar farms were duly noted by the Board. Mrs. Barsalou asked when the next meeting would be; Supervisor Drake noted that until DRS comes back to the Town with a new plan using the new law and then DRS would be back at square one with the Planning Board. The Town does not notify the neighboring residents of any application to the Planning Board. If a public hearing is scheduled, the neighboring residents would be notified. This project went before the Planning Board and their application did not fit the requirements of the law so the project did not go any further than that and the Town has not had any further contact from DRS. Mr. Hoffman did not appear before the Planning Board; just the developer.

Motion by Councilman Drozd, seconded by Councilman Zittel, to close Public Comment. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

ITEM #3: MONTHLY REPORTS

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

- a) Code Enforcement Officer – November 2021
- b) Dog Control Officer - November 2021
- c) Town Clerk Report – November 2021
- d) Judge Gibbin – November 2021
- e) Judge Frank – November 2021
- f) Van Report – October 2021
- g) Van Report – November 2021

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

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

General Fund A, abstract 12, bills 1200-1285; \$90,440.79
 General Fund B, abstract 12, bills 1286-1297; \$2,136.30
 Library Fund, abstract 12, bills 1298-1299; \$360.29
 Fire Protection, abstract 12, NONE
 Joint Van, abstract 12, bills 1300-1303; \$3,078.26
 Joint Youth, abstract 12, bills 1304-1307; \$12,566.45
 Craneridge Lighting, abstract 12, bill 1308; \$2,480.24
 Craneridge Sewer, abstract 12, bills 1309-1317; \$3,602.01
 Highway DA, abstract 12, bills 1318-1319; \$3,901.28
 Highway DB, abstract 12, bills 1320-1344; \$64,698.14
 Kissing Bridge Water, abstract 12, bills 1345-1348; \$3,511.78
 Kissing Bridge Sewer, abstract 12, bills 1349-1350; \$771.65
 Trevett Rd. Water, abstract 12, NONE
 Cattaraugus St. Water, abstract 12, bill
 Trust & Agency, abstract 12, NONE
 Capital (HA) Craneridge Sewer, abstract 12, NONE
 Capital (HB) Land, abstract 12, NONE
 Capital (HD) Catt St, abstract 12, NONE
 Capital (HE) Sr. Ctr, abstract 12, NONE
 Capital (HF) Hwy Equip, abstract 12, NONE
 Capital (HG) Waste Study, abstract 21, NONE

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

b) Resignation CEO Jeffrey Singleton – CEO Singleton submitted his Letter of Resignation as Code Enforcement Officer effective November 29, 2021. Motion by Councilman Drozd, seconded by Councilman Zittel, to accept the resignation of Jeffrey

December 9, 2021

Singleton as Code Enforcement Officer with regrets. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

c) Appointment of Thomas Roberts CEO – To be entered into the Town Board Minutes. Thomas Roberts was hired on December 3, 2021 as Code Enforcement Officer. Thomas Roberts was interviewed by Supervisor Drake, Clerk Diane West and Councilman Drozd. Town Board member approval had been discussed and unofficially prior to hire. Mr. Roberts was hired under State of Emergency Powers to fulfil critical code enforcement needs and will be on probation for a term of six terms. Mr. Roberts salary is at the 2021 Budgeted amount of \$17,176.58 per year. Mr. Roberts is completely certified as a Code Enforcement Officer and resides in the Town of Concord. The Town was lucky to find a replacement this quickly; a lot of towns are out there looking for Code Enforcement Officers. Motion by Councilman Drozd, seconded by Councilman Zittel, to enter the hiring of Thomas Roberts as Code Enforcement Officer into the Minutes. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

d) Library Appointments – Councilman Drozd advised that the Hulbert Library is requesting the re-appointments of Susan Putney and Susan Kellner to the library board. Motion by Councilman Drozd, seconded by Councilman Zittel, to re-appoint Susan Putney and Susan Kellner to the Hulbert Library Board. Their terms will expire December 31, 2026. Ms. Putney is a Village resident and Ms. Kellner is a Town resident. Motion by Councilman Drozd, seconded by Councilman Zittel, to approve the re-appointment of Susan Putney and Susan Kellner to the Hulbert Library Board. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

e) ZBA Appointment – Supervisor Drake informed the Board that ZBA Member Nora Mihalik did not desire to be re-appointed to the ZBA and thanked her for her service on the ZBA. Motion by Councilman Drozd, seconded by Councilman Zittel, to appoint David Dains to the ZBA. His term will be January 1, 2022 to December 31, 2026. There still is one opening on the ZBA. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

f) Planning Board Re-Appointment of Joseph Edbauer – Joseph Edbauer's term on the Planning Board expires December 31st. He has agreed to a re-appointment to the Board. Supervisor Drake advised that the Planning Board will meet in January prior to the Organizational Meeting night so this re-appointment should be completed tonight. Motion by Councilman Zittel, seconded by Councilman Snyder, to re-appoint Joseph Edbauer to the Planning Board for the term January 1, 2022 to December 31, 2028. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

g) Fund Balance Policy – Supervisor Drake advised that this policy became more important in the last two years when the Town was not certain where the income was coming from and trying to control costs. Primarily this is for the A Fund and also for the DB Fund for the Highway Department. A copy of the Policy is included in the Minute Book. Motion by Councilman Drozd, seconded by Councilman Zittel, to accept the Fund Balance Policy as presented. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried. Councilman Drozd thanked Supervisor Drake for all his efforts in getting this policy drafted. Councilman Snyder noted that the policy looks good and is glad the Board is adopting a policy; however, he thinks that it is a little too high. Supervisor Drake said that this gives the Town a range. Before COVID, he would've agreed with Councilman Snyder that 15% probably seemed like enough but believes that the last two years shows that the Town has to raise it a little bit. This focuses on those two funds. Some of the funds do not have a lot of fund balance; some are a little less than 5%. Maybe in the future the Town will have to look at trying to get those up a little bit. This Policy can be reviewed and changed from time to time but it is something that the auditors had requested the Town complete.

h) Temporary Appointment Senior Center Ruth Nichols – To be entered into the Town Board Minutes. Ruth Nichols was hired on November 24, 2021 at a rate of \$15.00/hour as temporary replacement for Kathy Lipka who is on medical leave from the Concord Senior Center. Mrs. Nichols was interviewed by Supervisor Drake, Councilman Drozd, and Senior Center Director Eleanor Eschborn. Town Board member approval had been discussed and unofficially received prior to hire. Mrs. Nichols was hired under State of Emergency Powers to fulfil critical senior center needs. Motion by Councilman Zittel, seconded by Councilman Drozd, to enter the hiring of Ruth Nichols into the Minutes. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

i) Organizational Meeting Date – The Justice Court does not plan on having any Court hearings before our regular January meeting date. Supervisor Drake would like to set the Organizational Meeting for Thursday, January 13, 2022 at 6:30 p.m. and the regular Town Board meeting would follow. Motion by Councilman Drozd, seconded by Councilman Snyder, to set the Organizational Meeting for Thursday, January 13, 2022 at 6:30 p.m. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

j) January 2022 Meeting Date -1/13/2022- Motion by Councilman Zittel, seconded by Councilman Drozd, to set the regular January Town Board Meeting for Thursday, January 13, 2022 at 7 p.m. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

k) Battery Storage Law Resolution – Local Law No. 3 of the Year 2021

Supervisor Drake moved the adoption of Resolution 18, seconded by Councilman Snyder:

Local Law No. 3 of the Year 2021
Town of Concord, County of Erie

WHEREAS, the Town of Concord, based on proposed large-scale projects in the Town and changing NYS regulations, has worked diligently in preparing a Draft Battery Storage Law.

WHEREAS, the Town of Concord has determined that this Draft Battery Storage Law is sufficiently complete for official agency input, and public review and input, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law, the Concord Town Board would like to begin the environmental review process of the Battery Storage Law by conducting a coordinated review and requesting Lead Agency status and beginning the adoption process, and

WHEREAS, the adoption of the Battery Storage Law requires referral to Erie County and the holding of a public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Concord Town Board accepts the draft of the Battery Storage Law as complete and read for public review and requests designation as the SEQR Lead Agency, in accordance with the SEQR regulations, for the purposes of conducting the coordinated review of this action; and

BE IT FURTHER RESOLVED that the Concord Town Board authorizes the completion of the SEQR coordinated process mailings and referral to Erie County; and

BE IT FURTHER RESOLVED, that the Concord Town Board directed that a public hearing was held, in accordance with New York State Town Law, on December 9, 2021 at 6:30 p.m., at the Concord Town Hall to solicit comments on the draft Battery Storage Law; and

BE IT FINALLY RESOLVED that copies of the document were made available for public review at the Town Hall and on the Town's website.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

Supervisor Drake asked for a motion to add items to the Agenda: (l) resignation of Court Clerk, (m) Registrar of Vital Statistics, (n) Springville Mobile Home Park Permit Year 2021, (o) Occhino final payment for the Senior Center Parking lot. Motion by Councilman Zittel, seconded by Councilman Drozd, to add items (l), (m), (n), and (o) to the Agenda. Councilmen Zittel, Snyder, Drozd & Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

(l) Resignation of Court Clerk – Supervisor Drake received this resignation today from Julianne Moriarty. The resignation is effective December 31 2021. Motion by Councilman Drozd, seconded by Councilman Zittel, to accept the resignation of Julianne Moriarty with deep regrets. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried. Supervisor Drake noted that Ms. Moriarty has really held the Court Office together for the last few years; she will be missed.

(m) Registrar of Vital Statistics – Town Clerk Schweikert and Deputy Town Clerk Bacon have to be re-appointed as the Registrar and Deputy Registrar of Vital Statistics. The new term will be January 1, 2022 to December 31, 2025. Motion by Councilman Zittel, seconded by Councilman Drozd, to authorize Supervisor Drake to sign the necessary form for re-appointment of Town Clerk Schweikert and Deputy Town Clerk Bacon. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

(n) Springville Mobile Home Park Permit Renewal – Supervisor Drake advised that this renewal is for the Year 2021. CEO Singleton had been working with the owner on violations at the Park. The repairs have now been completed and CEO Singleton approved the Renewal for Year 2021. Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the Springville Mobile Home Park Renewal for Year 2021. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

(o) Occhino Final Payment for the Senior Center Parking Lot – Supervisor Drake received an email today at 5 p.m. from MDA Engineers for Occhino's final payment for the Senior Center parking lot paving. The Town held back 5%. The town was holding up for certified payroll and now there is paperwork that needs to be completed regarding minority and women-owned businesses. The \$60,000 grant is still hanging to be reimbursed from the CDBG (Community Development Block Grant) so Supervisor Drake would like to try to get this resolved before the end of 2021 to make sure the Town gets the grant money in and is asking for a motion to approve the release of \$4,259.48 as soon as Supervisor Drake receives that paperwork. Motion by Councilman Zittel, seconded by Councilman Drozd, to authorize Supervisor Drake to release the final payment of \$4,259.48 to Occhino as soon as the M/WBE paperwork is received. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried. Supervisor Drake advised that once this is over, the project should be wrapped up. It was a success.

There will be an Executive Session so the Board moved up Agenda Item (7) Consent Agenda and (8) Councilman Notes so that those in attendance who wished to leave could do so.

Councilman Snyder asked if Rails to Trails was going to be discussed. Supervisor Drake advised that he had spoken with Planning Board Chairman Lux and Town Clerk Schweikert and the consensus was that this should go before the Planning Board because requiring a Special Use Permit would be changing the Town Code. The Planning Board would review the matter. Supervisor Drake has had contact with the Colden Supervisor and he was hoping to get the Towns of Colden, Aurora, Orchard Park and Concord together to draft something together; what we think the requirements should be. Town Atty Attea stated that there might be some uniformity in changes to the Town Code that would be consistent, not that they have to be, but at least an attempt if philosophically those Town Boards all felt similarly. This would not be a joint public hearing but a meeting among the Town Supervisors or a liaison. There would be no obligation on the part of any Town to adopt something that is uniform. It would be a chance to share conceptually what some of the concerns have been that have come from town residents to see if there were any uniformity in that thought. Each town will customize their own Town Code as they deem fit but there might be value in hearing what the other towns have for feedback, whether positive or negative. Councilman Snyder noted his concern is the trails being constructed. Resident's homes and property are being vandalized, their privacy. It is a free for all on the trails and it will continue for months and years if the Town does not take action. Other than the Resolution passed in opposition, there has been nothing done. Time marches on and the Town takes no action. Councilman Snyder, on behalf of the landowners that this is happening to, would like to set a code that says that the Special Use process that is already in the Town Code should be followed. He would hate to see something happen or continue to happen due to the lack of action on the part of the Board. Town Atty Attea advised that there is nothing preventing this Town Board from establishing an amendment to the Code and adding a provision of that nature and still engaging with discussions with the other Towns. The Code could always be amended further down the road. Councilman Snyder felt that the likelihood of four towns having a consensus on this matter is slim to none. Town Atty Attea advised that each town would draft their own Town Code provision. Town Clerk Schweikert asked if she was correct in thinking that in order to have a Public Hearing, the Board needs to have a draft of the changes because this would actually be changing the Town Code; it is not just a motion to change the process, it would require a Code amendment which requires a local law. In order to do the local law, the Board needs to have a written format on the Board members desk and in her office for the public to view before the Public Hearing. Not that there can't be a public hearing, but it will require these steps and the time necessary to get the change drafted. Town Atty Attea agreed. If the language were drafted and then approved by the Town Board, it could then be presented as the draft, proposed, amendment and the new local law and then notice would have to be provided for the public hearing. Councilman Snyder stated that Section 34 Part 150-180 Special Use Process would need to be re-established by adding in that section "any proposal to open a public access park or trail would require a Special Use Permit." Town Atty Attea asked Councilman Snyder to draft the language and submit to Town Atty Attea for review. It could then be presented to the Board for review and then present it so that notice could be provided and a public hearing scheduled. That would be a first positive step towards action. Councilman Snyder thought it important to point out that this would not stop the trails but the Special Use Permit process requires the requester to submit a plan to the Planning Board for review and put reasonable conditions on the plan. If approved by the Planning Board, the plan would then go to the Town Board for review and approval. The safety, environmental and security concerns could be addressed in that process. Today there is nothing. Councilman Snyder feels that this is an appropriate step and it doesn't add overburdensome regulations or shut down the trail. Supervisor Drake asked Town Atty Attea if the trail would be grandfathered and he said no. Councilman Snyder thanked the Board their consideration.

ITEM #7: CONSENT AGENDA

There was nothing for Consent Agenda.

ITEM #8: COUNCILMAN NOTES

a) Councilman Drozd updated the Board with regard to the Hulbert Library:

- The Hulbert Library is one of 16 in the Buffalo-Erie County Public Library locations that were just designated to receive three Chromebook Laptops and hotspots purchased from funding from the Institute of Museum and Library Services and the American Rescue Plan Grant. Adult use patrons can borrow these free of charge and have free internet service as well as some training opportunity. You need a library card to borrow one for a period of one week.

- The library system has purchased over 100 board games, craft kits, etc., that are available to kids and adults. These can be signed out for a week with a library card.

b) Councilman Zittel advised that:

- Last week Jake's Greenhouse along with the East Concord Fire Department held a Santa night that had over 300 kids in attendance.
- East Concord Fire Department will be celebrating their 75th year this coming year.
- On January 2, 2022, the East Concord Fire Department will be having a Chicken BBQ starting at 11 a.m.

c) Hwy Supt Edwards had two items:

- Request Town Board approval of the Erie County, New York, Inter-municipal Shared Services Agreement for the highway department. The Agreement had been reviewed by Town Atty Attea. The agreement was last approved by the Town in 2013 for a period of 5 years and renewable for another 5 years. Supervisor Drake asked for motion to add this to the Agenda as Item (p). Motion by Councilman Drozd, seconded by Councilman Zittel, to add Item (p) to the Agenda. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

ITEM #5: NEW BUSINESS

p) Inter-municipal Shared Services Agreement – Motion by Councilman Drozd, seconded by Councilman Zittel, to authorize Supervisor Drake to sign the Inter-municipal Shared Services Agreement. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

Hwy Supt Edwards second item:

- Currently the Highway Department goes to Health Works for their drug testing which is located in Orchard Park. These testings could take 1 hour 40 minutes to 2 hours to do the testing. Hwy Supt Edwards has been talking with On-Site Employee Testing about testing. The representative would come to the shop and do everything at the Highway barn. The Village uses this company as well. If the Board is okay with this change, he would like to go forward to have the testings done by On-Site Employee Testing at the Highway barn. The Town Board had no problems with this change.

d) Supervisor Drake noted:

- In the packet tonight there is an update from MDA with the status of all the many projects that the Town has going.

- The empty chair at tonight's meeting, Councilman Krezmien, had 36 years of Town Board service. Councilman Krezmien did not run for re-election. The historical aspects of what went on in the Town for the last 36 years will be missed. Councilman Drozd said that there are big shoes to fill. Town Atty Attea said he will be missed for his wit and his wisdom.

- This is his last official meeting as Supervisor and thanked the Board for their cooperation. He will be back in January as a Councilman.

ITEM #6: EXECUTIVE SESSION

Supervisor Drake advised that an Executive Session would be necessary. Motion by Councilman Drozd, seconded by Councilman Zittel, to go into Executive Session at 8:13 p.m. to discuss pending litigation. The Board does not expect any action when they come out of Executive Session. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried. Supervisor Drake asked Highway Superintendent Edwards to attend the Executive Session.

Motion by Councilman Drozd, seconded by Councilman Zittel, to come out of Executive Session at 8:38 p.m. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

ITEM #7: CONSENT AGENDA

Consent Agenda was moved up on the Agenda. See above.

ITEM #8: COUNCILMAN NOTES

Councilman Notes were moved up on the Agenda. See above.

ITEM #9: MOTION TO ADJOURN

Motion by Supervisor Drake, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 8:39 p.m. in memory of:

Larry O. Harshbarger
Neil A. Savage
Robert J. Dmochowski
Frank Weroniski, Jr.
Kelly R. Haley



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
November 11, 2021 to December 9, 2021.

With twenty-nine days in this period the Highway
Department accomplished the following:

- The men plowed and sanded 15 times in the 29 days.
- The men checked on the beavers 3 times in this time frame.
- The sander chain on truck #14 and #13 had repairs done to it.
- All trucks have been greased.
- The bucket truck went to Pete Robbins for an inspection.
- The 550's went to Valley Fab for some sander control box issues.
- Fixed lights on truck #19.
- Took truck #16 to Emerling's for DEF tank heater and wire harness.
- Put new decals on the new Hi-lift.
- Fixed door keyhole, inside cab control and replaced two LED flashing lights on the rear of the excavator.
- The men washed all trucks out two times at Village Highway.
- Put stakes out around the Senior Center parking lot for plowing reasons.
- Ordered 200 tons of salt and blended with sand.
- Haul sand from Gernatt's to blend with salt.

- Made sure all Auction International items were picked up.
- Cleaned inside of loader.
- Had snow tires put on truck #10.
- Cleaned shop of any scrap steel and put in dumpster.
- Installed more safe hits on Hoffman Road.
- Fixed pothole on Transit Line Road.
- Continued to clean shop, lunch room, and bathroom.
- Cut down and chipped a tree on White Street.
- After wind storm checked Craneridge for down trees, found nothing.
- Did some ditch work on Old Glenwood Road.
- Replaced 5 cross members and 4 pieces of 4x4 diamond plate on top of trailer and ripped off old deck. Then sent trailer to Maple Grove for sandblasting and paint.
- Ordered decals for trailer.
- Clyde Drake and I met with Derick Rule from MDA Consulting Engineers and went over the highway barns oil and water separator. We designed a report and submitted to the DEC for approval.
- The men continue to work in shop and work on plow equipment.

Respectfully Submitted,

Barry A. Edwards
Highway Superintendent

Town of Concord Fund balance policy 12/9/21

Purpose

The Town of Concord, New York, has enacted the following policy in an effort to ensure financial security through the maintenance of a healthy reserve fund that guides the creation, maintenance, and use of resources for financial stabilization purposes.

The Town's primary objective is to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes, and fees due to temporary revenue shortfalls or unpredicted one-time expenditures. The Town also seeks to maintain the highest possible credit ratings which are dependent, in part, on the Town's maintenance of a healthy fund balance.

Reserve funds are an important component in the Town's financial planning for specific expenditures, future projects, acquisitions and other lawful purposes. The Town may establish and maintain reserve funds in accordance with New York State Laws.

Town reserve funds must be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The Town may engage independent experts and professionals, including but not limited to auditors, accountants, and other financial and legal counsel, as necessary to monitor all reserve fund activity and prepare reports that the Town Board may require.

Background

The Governmental Accounting Standards Board (GASB) issued Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions, which is intended to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied. These are included at the end of this policy for clarification.

The Government Finance Officers Association (GFOA) recommends that governments establish a formal policy on the level of unrestricted fund balance that should be maintained in the general fund.

The Town will spend the most restricted dollars before less restricted where such spending is appropriate and the legal restriction does not limit the use of such restricted amount for the particular purpose in question in the following order:

- Nonspendable (if funds become spendable)
- Restricted
- Committed
- Assigned
- Unassigned

Definitions

GASB Statement No. 54 replaces the previous fund balance classifications with the following:

Nonspendable fund balance

This consists of assets that are inherently nonspendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.

Restricted fund balance

This consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments, or through constitutional provisions or enabling legislation.

Committed fund balance

This consists of amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority before the end of the fiscal year, and that require the same level of formal action to remove the constraint. The New York State Office of the State Comptroller believes that in most cases, local governments in New York will not have committed fund balance to report.

Assigned fund balance

This consists of amounts that are subject to a purpose constraint that represents an intended use established by the government's highest level of decision-making authority, or by their designated body or official. The purpose of the assignment must be narrower than the purpose of the General Fund, and in funds other than the General Fund, assigned fund balance represents the residual amount of fund balance.

Unassigned fund balance

This represents the residual classification for the government's General Fund, and could report a surplus or deficit. In funds other than the General Fund, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or unassigned.

Statement

The fund balance of the Town accumulates to provide stability and flexibility to respond to unexpected adversity and/or opportunities.

The Board's main objective is to maintain unassigned fund balance in the General Fund and fund balance assigned for specific use in the other Town funds at levels sufficient to mitigate current and future risks, such as revenue shortfalls and unanticipated expenditures; to ensure stable tax rates and user fees and to protect the Town's credit ratings.

The Town's target is to maintain an unassigned fund balance in the General Fund of no less than 20% of budgeted appropriations. Further, the Town's target is to maintain fund balance assigned for specific use in the Highway fund at a minimum of 20% of budgeted appropriations. This goal is established to maintain annual expenditure increases at a growth rate equal to anticipated revenue growth in order to maintain a balanced budget. The Town Board will periodically review the appropriateness of the minimum levels and increase or decrease as deemed necessary.

Where the level of unassigned fund balance in the general fund and fund balance assigned for specific use in the other Town funds is shown to be more than 30% of budgeted appropriations, as an alternative, or in addition to increasing the use of fund balance in the following year's budget, the Supervisor may recommend to the Town Board the use of fund balance during or outside of the budget process for one-time expenditures to meet unusual opportunities or to reduce the Town's debt in order to, in their estimate, meet this policy.

Should the General Fund's unassigned fund balance or the fund balance assigned for specific use in the other Town Funds, fall below the target level, the Supervisor will prepare a plan for restoration of the fund balance to the target level. The plan will be presented to the Town Board for review and approval.

The Town Board will set aside certain amounts as committed fund balance. A committed fund balance represents fund balances that have been approved by Town Board resolution prior to the end of the year. The amount of the commitment may be determined after year end but prior to the release of the financial statements. Should the amount of commitment not be known at the time of the resolution, the Town Supervisor shall determine the amounts to be committed and report such amount to the Town Board.

The Town Board delegates the Town Supervisor the authority to determine the proper amounts to be assigned for purposes as are deemed necessary. Assigned fund balances represent amounts intended to be used for a specific purpose. These assignments would provide the liquidity to respond to contingent liabilities and provide for capital asset replacements and capital projects.

The Town Supervisor will set aside assigned fund balances equal to the amount of outstanding purchase orders or encumbrances.

Periodic Review and Annual Report

The Town will be mindful of its role and responsibility as a fiduciary of public funds when acting on reserve fund amounts.

This policy may be updated as deemed necessary per the Town Board.

§ 150-180. Procedure.

- A. Definition of **special use permit**. As used in this article, the term "special use permit" shall mean an authorization of a particular land use which is permitted by this chapter subject to conditions imposed by this chapter to assure that the proposed use in harmony with this chapter and will not adversely affect the neighborhood if such conditions are met.
- B. The Town Board may, as part of a zoning ordinance or local law adopted pursuant to Article 16 of the Town Law or by local law adopted pursuant to other enabling law, authorize the Planning Board or such other administrative body that it shall designate to grant special use permits as set forth in such zoning ordinance or local law.
- C. Application for area variance. Notwithstanding any provision of law to the contrary, where a proposed special use permit contains one or more features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to § 267-b of the Town Law, without the necessity of a decision or determination of an administrative official charged with the enforcement of the zoning regulations.
- D. Conditions attached to the issuance of special use permits. The authorized board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed special use permit. Upon the granting of said special use permit, any such conditions must be met in connection with the issuance of permits by applicable enforcement agents or officers of the Town.
- E. Waiver of conditions. The Town Board may further empower the authorized board to, when reasonable, waive any preestablished requirements for the approval, approval with modifications or disapproval of special use permits submitted for approval. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event that any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular special use permit.
- F. Public hearing and decision on special use permits. Applications for special use permits shall be acted on by the Concord Town Board after a public hearing. The public hearing shall be held within 62 days from the day an application is received. Notice of such public hearing shall be published in the official newspaper of the Town of Concord at least five days prior to the date thereof. Prior to such public hearing, the application shall be referred to the Concord Town Planning Board for report and recommendation. In the event that the Concord Town Planning Board shall fail to submit a report within 45 days after said referral, the Concord Town Board shall proceed with the public hearing. The Town Board shall decide upon the application within 62 days after the conduct of the hearing. The time within which the Town Board must render its decision may be extended by mutual consent of the applicant and the Town Board. The decision of the Town Board on the application after the holding of the public hearing shall be filed in the office of the Town Clerk within five business days after the day such decision is rendered and a copy thereof mailed to the applicant.
- G. Notice to applicant and county, metropolitan or regional planning agency. At least 10 days before such hearing, the authorized board shall mail notices thereof to the applicant

and to the county, metropolitan or regional planning agency, as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of such proposed action, as defined in Subdivision 1 of § 239-m of the General Municipal Law.

- H. A plan for the proposed development of a site for a permitted special use shall be submitted with an application for a special use permit, and such plan shall show the location of all buildings, parking areas, traffic access and pertinent information that may be necessary to determine if the proposed special use meets the requirements of this chapter.
- I. In its review of a special use permit and application and plan therefor, the Concord Town Planning Board and/or the Concord Town Board may require additional information to be supplied by the applicant relating to, among possibly others, the relationship of the proposed special use to factors such as public safety, noise, glare, traffic impact, operational schedule of the special use and the public welfare.
- J. Compliance with State Environmental Quality Review Act. The authorized board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in 6 NYCRR 617.
- K. Court review. Any person aggrieved by a decision of the Planning Board or such other designated body or any officer, department, board or bureau of the Town may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding shall be instituted within 30 days after the filing of a decision by the Town Board in the office of the Town Clerk. The Court may take evidence or appoint a referee to take such evidence as it may direct, and report the same, with findings of fact and conclusions of law, if it shall appear that testimony is necessary for the proper disposition of the matter. The Court at special term shall itself dispose of the matter on the merits, determining all questions which may be presented for determination.
- L. Costs. Costs shall not be allowed against the Planning Board or other administrative body designated by the Town Board unless it shall appear to the Court that it acted with gross negligence, in bad faith or with malice in making the decision appealed from.
- M. Preference. All issues addressed by the Court in any proceeding under this section shall have preference over all civil actions and proceedings.

§ 150-181. Expiration. [Amended 6-11-2009 by L.L. No. 2-2009]

- A. All special use permits, excluding mining special use permits, shall be issued for as long as the activity permitted by said special use permit is ongoing. It will renew automatically on the anniversary of the granting of said permit without a renewal fee. The activity or activities permitted shall be specified on the permit itself, which shall be conspicuously posted at the premises where the special use is occurring. Only those activities shall be permitted. If any additional activities take place besides those specifically listed on the permit, the Code Enforcement Officer will issue a violation

citation. This could result in a revocation by the Town Board of the special use permit, after an appropriate hearing.

- B. However, if there is a one-year discontinuance of said permitted use, then § 150-181 of the Concord Town Code shall apply and any resumption of use shall require a new application process, including a public hearing and a permit fee and all other provisions as generally described in § 150-180 of the Concord Town Code shall apply.