

TOWN OF CONCORD TOWN BOARD MEETING FEBRUARY 11, 2021
7:00 p.m.

MEETING CALLED TO ORDER BY CLYDE M. DRAKE, SUPERVISOR,
at 7:00 p.m.

ROLL CALL: CLYDE M. DRAKE, SUPERVISOR
KENNETH D. ZITTEL, COUNCILMAN
WILLIAM F. SNYDER, III, COUNCILMAN
PHILIP DROZD, COUNCILMAN (arrived 7:15 p.m)

EXCUSED: JAMES M. KREZMIEN, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
BARRY A. EDWARDS, Hwy Supt.
BRIAN F. ATTEA, Town Attorney
CAROLYN A. ROBINSON, Dog Control Officer

MAX BORSUK, Springville Journal KIMBERLY KRZEMIEN
GEORGE DONHAUSER WALTER ZIMMER
CAROL OLEJNICZAK KAREN OESTERLE

Supervisor Drake welcomed all in attendance.

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1 APPROVAL OF MINUTES

a) Organizational Meeting – 1/14/2021 - Motion by Councilman Zittel, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Zittel & Snyder; Supervisor Drake, voting aye; Councilmen Krezmien & Drozd, excused. Carried.

b) Town Board Meeting – 1/14/2021 - Motion by Councilman Snyder, seconded by Councilman Zittel to approve the minutes as presented. Councilmen Zittel & Snyder; Supervisor Drake, voting aye; Councilmen Krezmien & Drozd, excused. Carried.

c) Bid Opening re: Spring Trash – 2/8/2021 - Motion by Councilman Snyder, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilmen Krezmien & Drozd, excused. Carried.

ITEM #2 PUBLIC COMMENT

Supervisor Drake opened the floor for Public Comment.

Walter Zimmer, Karen Oesterle and Carol Olejniczak spoke in opposition to the Erie Cattaraugus Rail Trail (ECRT). Mr. Zimmer advised that at this time ECRT continues to do what they want to do. ECRT has done everything in their power to harass the landowners in East Concord. They have allowed trespassing on their land. He got ECRT to put in a fence and about a month ago, they took the fencing down for the snowmobile trail and proceeded to put it in his yard. They listen to snowmobiles all night long. Did the Town okay a right of way for snowmobiles? It's all night long, every night, every day, they ride their snowmobiles and they trespass and there's 4 wheelers too. He has talked to the Erie County Sheriff's Department and he was told they don't chase after 4 wheelers because it is not safe, but it's okay that he has to protect himself with a firearm on his own land up to and including Board members that walk the trail with their dogs unleashed. He pays a pretty good chunk of taxes on his property. When he bought his land, there was not ECRT. They have no respect for the landowners. He

has had a number of Board members come to his house and sing the praises of how wonderful this is going to be; how wonderful ECRT is going to be. He is concerned about people breaking into his buildings. ECRT keeps saying it is okay that they won't ever have people arrested for trespassing. People defecate in his yard; people cat-call from the bridge; there is no respect. He wants to see that agreement with the railroad. He can't figure out why the Board doesn't have a bridge requirement. That bridge is 90 years old. There needs to be a stop to this part of it. The problem is that no one is standing up to them and when someone does stand up to them, they don't care; they laugh in your face and say that there is a secret agreement. An agreement that no one can see. He said that the Town is the one that runs the show. He has worked hard all his life. At this time in time, he can't even shoot his firearms because he doesn't know who may be on the trail. Is he supposed to just stop his life because of ECRT? He has a section of land that he has owned, 10 acres of water and then it continues on for another 30 acres to the railroad bed. According to Federal Law, someone could get in a boat and cruise in his backyard and there is not a thing he can do about it. He is here being passionate; not angry, because nobody has listened to him for the last year and a half. There are emails against ECRT. Anyone see them? Someone is going to get hurt out there. He will protect his land; he is not afraid of anyone and he is not afraid of ECRT but he wants some help. He has never asked the Town for a thing but he is asking now: put a stop to this and get it done. That was all he had to say. Supervisor Drake noted that he drove by the area earlier this week and saw a homemade sign that says trail closed and questioned if people would actually go down that part of the trail? Mr. Zimmer noted that they would go down to where the bridge is and there is an old logging entrance way there so people believe that that is part of ECRT but it's his. People act like they own the place. If he were to go into a backyard of one of the Board members, he would go out in handcuffs but he doesn't have that option. The Sheriff's Department won't go out there; the DEC won't assist. Mr. Zimmer just wants this to be on the record; he doesn't want to hurt anybody. He worked hard to get to where he is now to have it ruined by people who actually believe that they are do-gooders. The only thing that these people actually truly care about is getting this done so they can move on to their next project. They don't care about him or anybody else; this is a prime opportunity to go ahead and force it down everyone's throat so that they can get it done.

Ms. Oesterle would like to remind the Board that the ECRT is not the federal government and they are not preemptive of following Town Code and Rules that any other private party is required to follow. She lives down the tracks a little way from Mr. Zimmer. For the last years she has been trying to communicate with ECRT about their concerns. They voiced the privacy and safety concerns. She has had a snowmobile this year up into her front yard; previously had a 4-wheeler drive through her yard with her children playing in the yard and has also had a dirt bike drive in her neighbor's property field behind her house. Up until two weeks ago, the trail from her section over to Mr. Zimmer's was closed. She has correspondence from January 7th with ECRT stating that they are closed to skiers, hikers and snowmobiles. Continued traffic comes by her house almost daily; at least 4 times a week someone passes by with an unauthorized vehicle. Summertime she gets at least 4 day and keep in mind that her children are outside playing in the yard. There has been full sized trucks, jeeps, vans, 4-wheelers, 3-wheelers, dirt bikes, gators, and snowmobiles. A man walking with a rifle over his shoulder and a sex offender all traveled the trail. Also two weeks ago the trail was closed; a couple days after the correspondence confirming the trail was closed, she voiced her concerns again for the safety. She was told straight out in an email from ECRT that they opened the trail because of she complains too much. They have in the past installed a camera that they claim they were going to view and prevent the riders from going by. In two years, the camera has not prohibited a single rider from traveling down the trail. ECRT claims that they have not seen anyone; she showed pictures. Three weeks ago she took a picture across the street from her house; these are not snowmobile tracks; this was three 4-wheelers and a dirt bike going down the trail. This was not even snowmobile traffic. This section is open for pedestrian. She also had pictures from the summer when her child got a bicycle for her birthday and her husband took her down the trail and a 3-wheeler whipped right by her and the family walking down the trail. Complaints to the ECRT always end with call the police, call the police. If she were to call the police on the driver, where are they by the time the police get there? ECRT's website has posted the fact that the trail is only open from dawn to dusk. This evening

when she goes home, she will see snowmobilers and hear them pass by her child's bedroom wall. The trail is within 50 feet of his head as he sleeps. This is no signage saying that it is only open dawn to dusk or even what to do if there were an emergency. There is no contact information. The website says that rules and contact numbers will be posted along the trail, besides employing a volunteer neighborhood watch patrol which hasn't been done; ECRT will coordinate with local police and first responders to ensure community safety is maintained and concerns are addressed. This has not been happening. She had to, herself, reach out to the Park's snowmobile unit and the Erie County snowmobile unit to try to get patrols to ensure that her family can stay safe. ECRT also states that they will work with adjacent property owners to ensure privacy and safety. For two years she has tried over and over again to try to get a fence or some sort of division to promote safety. Recently she reached out to the NYS Snowmobile Association to ask for slow signs because the Boston Snowmobile Club will not talk to her. ECRT has advised the Boston Snowmobile Club cannot make any direct contact with her after they agreed with the snowmobile association that they would put slow signs up so that there would be less disturbance to her family. She can hear these snowmobiles inside her living room; all hours of the day and at night time from 12 to 6 even though the trails should be closed, NYS Law says that traveling on a snowmobile within 100 feet of a dwelling you must crawl. That is not happening either. She has had to schedule her own patrol from law enforcement to come out to ensure that people are not speeding or crossing Genesee Road and not stopping. At least 4 out of 5 sleds went by without stopping at Genesee Road; it's a busy road and there is going to be an accident. She is afraid to walk on the trail across the street from her house because she has been run up on by snowmobiles, dirt bikes, etc. She noted in conclusion that she doesn't feel that the ECRT is making good neighbors. They are not working with the adjacent property owners and they are not exempt from those policies that the Town of Concord can set to ensure that their property owner rights are not run over literally by this group. She is just trying to ensure the safety of her family. Her family has owned their property for almost 100 years now and when they took it over, she had no idea that it was going to be this Rail Trail that was going to disrupt every single day of their lives and that they were going to be made to look like the bad guys because they were complaining. She never reported anything to the ECRT that wasn't illegal. Every complaint was based on an illegal activity.

Supervisor Drake asked Ms. Olejniczak if she had anything to add and she did not; they said it all. Supervisor Drake asked Mr. Zimmer what Board members he was talking about; does he have names? Mr. Zimmer noted that at this point in time he is not prepared to start rattling them out; he'd love to have the people sitting here; he'd like to have them sit across from him and defend themselves. Ms. Oesterle would like to see a plan and an Environmental Assessment. The number of quiet areas that are back through the trail are one after another and possibly there are endangered species that are protected back there. No one has even thought to look. Mr. Zimmer said that was a good point. He lives in protected wetlands which is why he knows the DEC so well. It cost him a lot of money to put a permit in so that he could get a pool. To put a pool in; \$650 and the permits that he had to go through. Not only from the Town but the DEC, the Army Corp of Engineers to put a pool on his property. He can't even put a building up on his property because the DEC takes 100 feet from the water; the Town need 80 feet; and the railroad takes 33 feet. Out of all his property, he has the square footage of 4 tables available. It's ridiculous. He can't even put a building up. Ms. Oesterle noted that they did attempt to put up an orange snow fence but it did not even go across the whole trail. They ran right around it. She has pictures. Someone actually ran it over and ECRT never came back to put it up. A gate could have solved this whole problem on this strip. Mr. Zimmer noted that when he finally got them to put the fences up, it wasn't five days later and they mowed it down. He called and they said that they expected that and that they were not coming out to fix it. They did their due diligence. Ms. Oesterle feels that the last year and a half, two years, was just a facade to just try to quiet them and distract them from getting the appropriate route to get to the Board. Mr. Zimmer noted that they sing a great song about how wonderful it is going to be. They don't say about the tons of people you don't know, trespassing, no respect; cat-calling. Mr. Zimmer can't understand why they can't ride on the roads. There are plenty of bike paths from Orchard Park all the way through. The Village has bicycle lanes. When he grew up, we rode on the roads. Since when did everyone become special; even though is a beautiful thing for

everyone, except for him, but they don't care. He is not angry; it's just the passion after two years of yelling at these people; they are liars and cheaters and will do whatever it takes to get whatever it takes to get what they want up and they don't care what he thinks. They are just going to do what they are going to do; they got a secret agreement that no one can see. Mr. Zimmer is not even sure if they have one. Let's see that agreement. Let's be honest with everybody. If you really want to make an impression on the landowners that are going to be affected all the way down through, show the agreement. Why is it a secret? Does the railroad have something to hide? There is precedent in the Supreme Court if the railroad abandoned property in other states, the owners got the land back. Mr. Zimmer believes that this railbanking is to ensure that the railroad does not lose their right of way. He noted that the Board does public service and review contracts, it's what the Board does. This Rails to Trails did not prove anything; they will not show the agreement. Let's read what is in it and let the attorneys take a look at it. The crossing bridge is not even safe. They went into the headwaters of Spring Brook without permits; and yet he had to get permits for his pool. Mr. Zimmer wants the Board to prove to him that they actually have a contract and then we can work together to find out whether it is really a viable option for any of them. The ECRT is the worst people he has ever had to deal with; they are the most arrogant people he has ever met; they only believe in what their cause is and they don't care about what anyone else says. That's all they care about.

Supervisor Drake asked about the trail grooming. Ms. Oesterle noted that there is a five-year agreement with the Boston Snowmobile Club to service this area. To this day, the ECRT has not communicated with law enforcement that the trail is open so they can't possibly know to come and monitor it. Mr. Zimmer noted that this is an uphill battle but they are asking the Board to help. They need the Town to do something; the Town has power. Ms. Oesterle noted that there are plenty of other recreation areas where this traffic does not need to be in her backyard. There's Sprague Brook and Chestnut Ridge. Mr. Zimmer noted that there is no reason to cut through everyone's backyard; this trail could also be changing the entire course of the wildlife in this area; he has been studying the deer and he also traps and this trail is impacting wildlife. ECRT is intruding on his recreation and his life and yard.

Supervisor Drake advised that the Board feels their pain and the Board will see what we can do. The Town does have a 2008 Resolution against the Rail Trail. Mr. Zimmer noted that the Resolution hasn't done any good. ECRT just laughs at the Town because they have that secret agreement. Ms. Oesterle believes that the town has the power to prevent ECRT from taking advantage of them. Councilman Zittel noted that he knows where they are coming from. He lives at the corner of Genesee Road and Springville-Boston Road and the County owned property butts up to his property so he has people come up to his property too. He can't be everywhere to monitor his property. The railroad is still paying the taxes and whatever they have, he does not know. Councilman Snyder noted that he agrees with them but doesn't know what to do. Mr. Zimmer hopes that there is more than the Town doesn't know what to do. He hopes that there are some rules that the Town can put in on bridges. Councilman Zittel knows that the DEC is all over bridges so if someone is doing something wrong, the DEC would be all over it. Mr. Zimmer said the DEC did not do anything with the first bridge on Sharp Street and the second bridge. Councilman Zittel said because they are over top the water not on the water. Mr. Zimmer noted that the DEC has a 100 foot from the water's edge. Councilman Zittel advised that he asked the DEC about that and was told that the abutments that were there as long as they go over top of them, that it is legal. Mr. Zimmer said correct but they cannot disturb or do anything without a permit. As soon as they move dirt, excavate, they need permits for it. Councilman Zittel knows that he cannot get next to a wetland but apparently, they have the right somehow with the DEC to do that; he does not know how they do it. Mr. Zimmer said that is why he wants to see the secret agreement; he doesn't know how the railroad does not have to follow DEC rulings. Councilman Drozd advised that the Town has asked for a copy of the agreement and they will not show us. Town Attorney Attea believes that they have spoken very eloquently about the problems they are facing and expressing your frustration. It is certainly something that is worth looking into. He knows that some of the Councilman have told him that other landowners were coming to them forcing their frustration too. This is not something that the Town will sweep under the carpet. What the solution is; no

one here can say right now because it is going to require enforcement. Collectively the Town Board will have to get together to discuss what channels they have to consider to ensure at a minimal that your rights are protected. Mr. Zimmer said that is all they are asking; for some help; the Town has more power than he does. Town Attorney Attea noted that they did an excellent job expressing their frustration.

Mr. Zimmer, Ms. Oesterle and Ms. Olejniczak thanked the Board and left the meeting at 7:45 p.m.

Motion by Councilman Zittel seconded by Councilman Snyder, 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 Report – January 2021
- b) Dog Control Officer Report – January 2021
- c) Supervisor Report – December 2020
- d) Town Clerk Report – January 2021
- e) Judge Frank Report – January 2021
- f) Judge Gibbin Report – January 2021
- g) Van Report – January 2021

h) Highway Report – Hwy Supt Edwards read his filed report. Motion by Councilman Drozd, seconded by Councilman Zittel, to accept the written Highway Report. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

i) Fire Department Reports – Councilman Drozd reported that the Springville Volunteer Fire Department's new pumper truck is in and the Department is getting a pick-up truck from the Village Water Department to supplement their fleet.

Councilman Zittel informed the Board that the East Concord Fire Department is working on weighing their trucks and investigating bridges to make sure they are safe for their equipment.

Supervisor Drake noted that he had attended the Chief's Meeting with Councilman Zittel with the Chiefs from Mortons Corners and East Concord and tried to resolve some issues that were discussed; opening the lines of communication.

Motion by Councilman Zittel, seconded by Councilman Drozd, to accept the Fire Department Reports. 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.

Year 2020 Abstract 14:
 General Fund A, abstract 14, bills 1323-1328; \$4,323.03
 General Fund B, abstract 14, NONE
 Library Fund, abstract 14, bill 1329; \$372.78
 Fire Protection, abstract 14, NONE

Joint Van, abstract 14, NONE
 Joint Youth, abstract 14, NONE
 Craneridge Lighting, abstract 14, bill 1330; \$1,753.71
 Craneridge Sewer, abstract 14, bills 1331-1332; \$253.71
 Highway DA, abstract 14, NONE
 Highway DB, abstract 14, bill 1333; \$1,851.48
 Kissing Bridge Water, abstract 14, bill 1334; \$11.00
 Kissing Bridge Sewer, abstract 14, bill 1335; \$500.00
 Trevett Rd. Water, abstract 14, NONE
 Cattaraugus St. Water, abstract 14, NONE
 Trust & Agency, abstract 14, NONE
 Capital (HA) C. Sewer, abstract 14, NONE
 Capital (HB) Land, abstract 14, NONE
 Capital (HD) Catt St, abstract 14, NONE
 Capital (HE) Sr. Ctr, abstract 14, NONE
 Capital (HF) Hwy Equip, abstract 14, NONE
 Capital (HG) Waste Study, abstract 14, NONE

Year 2021 Abstract 2:

General Fund A, abstract 2, bills 37-86: \$26,200.01
 General Fund B, abstract 2, bills 87-92; \$1,137.94
 Library Fund, abstract 2, NONE
 Fire Protection, abstract 2, bills 93-96; \$84,024.53
 Joint Van, abstract 2, bills 97-98; \$162.20
 Joint Youth, abstract 2, bills NONE
 Craneridge Lighting, abstract 2, NONE
 Craneridge Sewer, abstract 2, bills 99-103; \$1,313.60
 Highway DA, abstract 2, NONE
 Highway DB, abstract 2, bills 104-126; \$41,196.60
 Kissing Bridge Water, abstract 2, NONE
 Kissing Bridge Sewer, abstract 2, bills 127-128; \$926.00
 Trevett Rd. Water, abstract 2, NONE
 Cattaraugus St. Water, abstract 2, NONE
 Trust & Agency, abstract 2, NONE
 Capital (HA) C. Sewer, abstract 2, NONE
 Capital (HB) Land, abstract 2, NONE
 Capital (HD) Catt St, abstract 2, NONE
 Capital (HE) Sr. Ctr, abstract 2, NONE
 Capital (HF) Hwy Equip, abstract 2, NONE
 Capital (HG) Waste Study, abstract 2, 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) Mowing/Cemeteries Proposals – Supervisor Drake asked the Board to authorize him to seek Request for Proposals for the lawn mowing of the cemeteries and the Senior Center. This would include mowing from Mother's Day to Labor Day, dependent on weather/mowing conditions. Motion by Councilman Drozd, seconded by Councilman Zittel, to allow Supervisor Drake to seek Request for Proposals for lawn mowing of the cemeteries and Senior Center. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

c) Appoint Edwin Heary Alternate for Assessment Board of Review – Supervisor Drake advised that Board of Assessment Review members require training every five years but alternate members are appointed annually and require training every year. Supervisor Drake appreciates Mr. Heary's willingness to be re-appointed as an Alternate Member knowing this requirement. Motion by Councilman Snyder, seconded by Councilman Zittel, to re-appoint Edwin Heary as an Alternate Member to the Board of Assessment Review. His term will be a one-year term expiring September 30, 2021.

Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye; Councilman Krezmien, excused. Carried.

d) Mining Permits Approval (except Gernatt) – Supervisor Drake advised that one of the Planning Board members had a question on the Gernatt Mining Permit Renewals and those renewals were tabled until the March Planning Board meeting. The other mining permit renewals were approved by the Planning Board at their February meeting. Motion by Councilman Zittel, seconded by Councilman Drozd, to approve the following Mining Permit Renewals, as recommended by the Planning Board:

1. McEwan Trucking
2. Schreiber & Winkelman
3. Joseph McCarthy
4. Cold Spring Construction-Sharp Street
5. D&H Material Inc.
6. Triple R Properties

Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye; Councilman Krezmien, excused. Carried.

e) Junkyard Renewals – Motion by Councilman Zittel, seconded by Councilman Snyder, to approve the following Junkyard Permit Renewals, as recommended by the Planning Board:

1. Jordan's Salvage (Mary Ann Jordan)
2. Southern Tier Auto Center
3. Arthur P. King Auto Parts
4. Ronald Miller

Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye; Councilman Krezmien, excused. Carried.

f) Award Spring Trash – Supervisor Drake noted that two sealed bids had been received. Waste Management with a bid of \$17,804 and MRC Disposal with a bid of \$16,700. Motion by Councilman Drozd, seconded by Councilman Zittel, to accept MRC Disposal with a bid of \$16,700. Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye; Councilman Krezmien, excused. Carried. Supervisor Drake advised that after the Bid Opening, Patrick Martino of Waste Management told him that the reason their bid was high was that during last year's collection, Waste Management picked up 650 tires in the Town; this is the most the company has ever collected.

g) Disc Golf Fundraiser – Justin King submitted a request to hold a Disc Golf Tournament in March at Community Park with proceeds to go toward the cost of installing the extra 9 holes; currently this is a 9-hole course. The disc golf course was used pretty heavily this past summer and fall. His request is to have the parking lot plowed for the event, if needed. The gate and the driveway into the park would not be opened. Hwy Supt Edwards has no problem with this request. Motion by Councilman Zittel, seconded by Councilman Drozd, to grant the request and have the highway department plow the parking lot for the tournament. Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye; Councilman Krezmien, excused. Carried. Hwy Supt Edwards asked the date of the event and Supervisor Drake will check with Mr. King and advise.

h) Sick Leave Days – Supervisor Drake advised that a little background work was done because it was brought to his attention by the Highway Department that they thought the Town was taking a sick day away from them. In the 2014 Employee Manual it said nine days; after that we found where past Bookkeeper/Secretary Ciszak had crossed out 9 days to make it 8 days. It was discovered later that she was challenged by the auditor because the Organizational Meeting Agenda and Minutes said 8 days. Supervisor Drake thanked Town Clerk Schweikert for looking over the Minutes trying to figure out what was going on. In March 14, 2013, at a Work Session Supervisor Eppolito presented the updated Employee Manual. He advised that the changes discussed

previously have been incorporated into this Manual including the language for nine sick days per year for full time employees which would accrue one month after the date of employment and shall accrue at the rate of six hours a month. When the 2014 Employee Manual was passed, it was 9 days but then the following year at the Organizational Meeting, Bookkeeper/Secretary Ciszak had 8 days. He went to talk to the Highway Department, together with Councilman Drozd, and they told the Highway Department that it would be brought up to the Board. Supervisor Drake is suggesting to the Full Time Employees that an error was discovered in the 2021 Employee Handbook on Page 11 concerning sick time. Meeting minutes were researched and verified that indeed the Town Board in 2014 voted to increase the number of sick days to 9 and that they had erroneously been stated at 8 days in the Organizational meeting agenda of 2015 through 2021. Accumulated sick time will be adjusted if any accrual errors are discovered. Please keep this sheet with the 2021 Employee Manual for future reference. The corrected Sick Time as stated below was approved at the Town Board meeting of February 11, 2021.

Sick Time

- A. Part time appointed employees receive no sick time.
- B. Full time appointed employees receive nine days per year, with a maximum of 160 days accumulative. These are to begin accruing one month after the date of full-time employment and shall accrue at the following rates:

6 hours a month for those employees working a 40-hour week.
5 hours and 25 minutes a month for those employees working a 31-hour week.

- C. Elected officials receive no sick time benefits.

Supervisor Drake thinks this will correct the honest mistake that was going along for the last seven years. It is believed that there are no accrual errors at least at the Highway Department because he found out that they were getting 9 days right along. The only employees that might be wrong would be the Town Hall employees; this will need to be reviewed. Motion by Councilman Drozd, seconded by Councilman Snyder, to approve 9 days per year as outlined above. Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye; Councilman Krezmien, excused. Carried. Councilman Snyder questioned who tracked the Highway Department; Supervisor Drake noted the Clerk at the Highway Department did. Councilman Snyder noted that whether the policy was right or not, he is concerned about the accruals.

Supervisor Drake asked for a motion to add (i) Senior Center generator maintenance contract, (j) Kissing Bridge Sewer District Contract and (k) Library Board Appointment to the Agenda. Motion by Councilman Snyder, seconded by Councilman Zittel, to add Items (i) Senior Center generator maintenance contract, (j) Kissing Bridge Sewer District Contract and (k) Library Board Appointment to the Agenda. Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye; Councilman Krezmien, executed. Carried.

i) Senior Center Generator Maintenance Contract – Supervisor Drake advised that the generator at the Senior Center has been in place for two years now. After the first year, the company came out to do maintenance. Supervisor Drake checked with the Village of Springville to see who they use and then checked the Erie County bid and it is the same company: Penn Power Company. The company would come out twice a year and the charge is \$678/year for a three year contract. The generator is something that requires annual maintenance. Motion by Councilman Drozd, seconded by Councilman Zittel, to authorize Supervisor Drake to sign a three-year contract with Penn Power Company for maintenance of the Senior Center generator. Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye. Councilman Krezmien, excused. Carried.

j) Kissing Bridge Sewer District Contract – Supervisor Drake reminded the Board that the DEC required the Town to install a chlorinator in the Craneridge Sewer District and it was just a matter of time before the DEC would require the chlorinator at Kissing Bridge. This chlorinator has to be in and operational by June 1st. Supervisor Drake reached out to MDA Engineers who received three bids with the low bidder being Miller's Landscaping and Excavating, Inc. in the amount of \$4,850. MDA Engineer's recommendation is Miller's Landscaping and Excavating who was the contractor for the tablet feeder project at the Craneridge Waste Water Treatment Plant and has the experience necessary to complete the project. The project would include excavation and installation of a Norweco tablet feeder and a 2' x 2' utility tank. Motion by Councilman Drozd, seconded by Councilman Zittel, to award the bid to Miller's Landscaping and Excavating as recommended by MDA Engineers. Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye; Councilman Krezmien, excused. Carried.

k) Hulbert Library Board Appointment – Susan Kellner – Councilman Drozd advised that Diane Bookhagen resigned from the Library Board; she moved and is no longer in the library district. At the Library Board meeting today, the Board approved the appointment of Susan Kellner to the Board. Mrs. Kellner lives in the library district in the Town of Concord. Motion by Councilman Drozd, seconded by Councilman Snyder, to accept the resignation of Diane Bookhagen with regrets and to approve the appointment of Susan Kellner to the Hulbert Library Board. Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye; Councilman Krezmien, excused. Carried.

ITEM #6 EXECUTIVE SESSION

Supervisor Drake advised that there would be an Executive Session for litigation; it was not certain if there would be any action taken. Motion by Councilman Snyder, seconded by Councilman Zittel, to go into Executive Session at 8:05 p.m. Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye; Councilman Krezmien, excused. Carried.

Motion by Councilman Drozd, seconded by Councilman Zittel, to come out of Executive Session at 8:37 p.m. Councilmen Zittel, Snyder & Drozd; Supervisor Drake voting aye; Councilman Krezmien, excused. Carried.

ITEM #7 CONSENT AGENDA

There was nothing for Consent Agenda.

ITEM #8 COUNCILMAN NOTES

1) Councilman Zittel thanked Hwy Supt Edwards; the department is doing a great job on the roads.

2) Supervisor Drake advised that he held the kickoff solar meeting with Councilman Drozd, Planning Board Chairman Kelly and Andrew Riley from Wendel Company. Good information was discussed and Mr. Riley thinks that this new solar law could be done by the end of April.

3) Supervisor Drake will attend the virtual NYS Association of Towns Annual Conference; the Conference will be held February 14th through February 17th. It will be a lot of hours but will be worth the time. The cost of the conference is \$100.

ITEM #9 MOTION TO ADJOURN

Motion by Councilman Drozd, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 8:41 p.m. in memory of:

Albert R. Romanowski
Shirley P. Davie
Eugene W. Marvin
Richard E. Morlok
Doris Ann Biscup
Gene A. Stearns
Sylvia R. Kujawa
Jack D. White
Michelle VanLaeken



Darlene G. Schweikert
Town Clerk

Town of Concord Highway Department

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Springville, NY 14141

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716-481-2848 Cell

Email: concordhighway@gmail.com

Barry A. Edwards, Highway Superintendent

Highway Superintendent's Report for the period of Jan. 15, 2021 to Feb. 11, 2021.

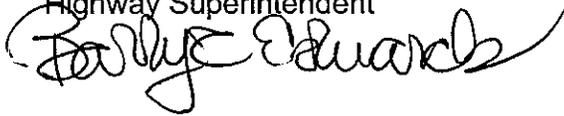
The guys continued to work on equipment. They have kept the shop, lunchroom, workspace areas clean. They are keeping all trucks clean, inside and out.

They continue to blend sand and salt.

As Highway Superintendent, I have been up at 1:30 – 2:00 a.m. every day patrolling roads to evaluate road conditions and to call the guys at 3:00 a.m. for a 4:00 a.m. start. I also plow the Town Hall, Library and Senior Center lots; pay bills and do office work.

For the 27 days from Jan. 15 to Feb 18, the guys have been out 23 days.

Barry Edwards
Highway Superintendent

A handwritten signature in black ink that reads "Barry Edwards". The signature is written in a cursive style with a large, sweeping initial "B".