

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

October 14, 2021

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

KIMBERLY KRZEMIEN ROBIN SION
GEORGE DONHAUSER MAX BORSUK, Springville Journal

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1 APPROVAL OF MINUTES

a) Town Board Work Session – 09/09/2021 – 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 – 09/09/2021 – Motion by Councilman Zittel, seconded by Councilman Drozd, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

c) Special Town Board Meeting – 09/29/2021 – Motion by Councilman Krezmien, seconded by Councilman Zittel, 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 Snyder, seconded by Councilman Krezmien, to approve the Monthly Reports, Items a-h. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

- a) Code Enforcement Officer – September 2021
- b) Dog Control Officer – September 2021
- c) Supervisor Report – August 2021
- d) Town Clerk Report – September 2021
- e) Judge Gibbin – August 2021
- f) Judge Frank – September 2021
- g) Van Report – August 2021
- h) Van Report – September 2021

i) 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.

Motion by Councilman Krezmien seconded by Councilman Zittel, 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 Drozd, and reviewed by the Board.

General Fund A, abstract 10, bills 929-1009; \$23,960.13
 General Fund B, abstract 10, bills 1010-1016; \$2,733.95
 Library Fund, abstract 10, bill 1017-1018; \$357.01
 Fire Protection, abstract 10, NONE
 Joint Van, abstract 10, bill 1019-1022; \$392.57
 Joint Youth, abstract 10, bills 1023-1026; \$62,757.66
 Craneridge Lighting, abstract 10, bill 1027-1028; \$4,071.64
 Craneridge Sewer, abstract 1, bills 1029-1042; \$14,701.72
 Highway DA, abstract 10, bills 1043-1046; 1,680.47
 Highway DB, abstract 10, bills 1047-1062; \$11,394.65
 Kissing Bridge Water, abstract 10, bills 1963-1064; \$150.00
 Kissing Bridge Sewer, abstract 10, bills 1065-1068; \$8,963.50
 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 Drozd, 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.

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

WHEREAS, Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Journal on September 16, 2021. Said Notice of Public Hearing was also posted on the Town of Concord Website and on the signboard at the Town Hall on September 14, 2021;

WHEREAS, that the Town Board of the Town of Concord held a public hearing on Thursday, October 14, 2021;

NOW, THEREFORE BE IT

RESOLVED, that at a meeting of the Town Board of the Town of Concord, held on Thursday, October 14, 2021, 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. Renovation of Town Hall bathrooms to be ADA compliant.
- 2. Rural Transit Service, Inc.

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) Tax Cap Local Law #2 of 2021; 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 30, 2021. Said Notice of Public Hearing was also posted on the Town of Concord Website and on the signboard at the Town Hall on September 24, 2021;

Councilman Krezmien moved the adoption of Resolution 13, seconded by Councilman Zittel:

**Local Law No. 2 of the Year 2021
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, 2022 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, 2022 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. Supervisor Drake reiterated that this does not mean that the Town is going over the tax cap; this is being done as a precaution.

d) Plow, Wing and Box Approval – Hwy Supt Edwards had received two bids: Viking Cives \$113,544.00 and Valley Fab \$124,000. His recommendation to the Board is to accept the Viking Cives bid. Motion by Councilman Drozd, seconded by Councilman Zittel, to purchase the plow, wing and box in the amount of \$113,544 which would be put on the piggyback bid where Fleet Maintenance will bill the Town for the whole package and Fleet Maintenance will then pay Viking Cives. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. This will not be coming out of the Equipment Reserve fund; it will be in next year's budget. Carried.

e) Snow Box Approval – Hwy Supt Edwards noted that this is for the high lift. Two bids were received: Valley Fab \$8,900 and Viking Cives \$10,479. His recommendation to the Board is to accept the Valley Fab bid. He believes that this box is bigger, heavier, sturdier than the Viking Cives box. Motion by Councilman Zittel, seconded by Councilman Krezmien, to accept the Valley Fab bid of \$8,900 for the snow box. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. This will be coming out of the Equipment Reserve fund. Carried.

f) Fiscal & Environmental Stress Report NYS – Supervisor Drake advised that every year New York State does a Fiscal & Environmental Stress Report for the Town. Fiscal Stress the Town of Concord received No Designation and the score was 0.0 which means the Town is not in any fiscal stress. Environmental Stress the Town of Concord stayed the same as last year at 3.3 but have No Designation as well. According to New York State, the Town is in good shape. Councilman Snyder questioned the Fiscal Stress score; Supervisor Drake explained that it has been dropping since 2018 partly because the Town is not using a lot of fund balance. Motion by Councilman Krezmien, seconded by Councilman Drozd, to accept the Fiscal & Environmental Stress Report. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

g) Highway Roller – Hwy Supt Edwards advised that at the September 8th meeting the Board approved items to be declared surplus and go to Auctions International. Hwy Supt Edwards would like to add the little roller to the list. Once bids are received, he would review the bids with the Board. If this roller is sold, the funds would go back into the Equipment Reserve fund. Motion by Councilman Krezmien, seconded by Councilman Zittel, to declare the little roller as surplus and be put on Auctions International. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

h) Public Hearing on the 2022 Budget – Supervisor Drake asked for a motion to set the Public Hearing on the 2022 Budget for Thursday, November 11, 2021 at 6:30 p.m. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set the Public Hearing on the 2022 Budget for Thursday, November 11, 2021 at 6:30 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

i) Crane Ridge Sewer – Supervisor Drake advised that the DEC had problems with the fix that the Town did on Meadow Brook/Crump Brook. The DEC was advised of the plan and invited out to see the project but because of COVID they did not come out. When the DEC finally came out this year, it was determined that it was not good enough. It was done with interlocking blocks so it would not wash away but this is considered a trout stream. One of the interlocking blocks needs to be removed so the trout can swim up through there. The contractor who did the original work, Bill Bognar, provided a quote for \$27,250. A second quote was obtained from J&P Curtis Construction for \$3,500. Motion by Councilman Drozd, seconded by Councilman Zittel, to accept the J&P Curtis Construction from Great Valley to remedy the Crump Brook stream stabilizer problem in the amount of \$3,500. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake asked for a motion to add Item (j) Striping of the Senior Center Parking lot. Motion by Councilman Krezmien, seconded by Councilman Zittel, to add Item (j) to the agenda. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

j) Striping of the Senior Center Parking lot – Supervisor Drake had provided the Board with a copy of the email with the Occhino quote. Occhino Corp advised that they will stripe the parking lot according to the original engineering plan for \$1,975. Supervisor Drake advised that this will be asking the seniors to park the opposite way; the original plan goes the other way with 88 parking spaces in the front and another 20 parking spaces in the back for a total of 108 parking spaces. Motion by Councilman Drozd, seconded by Councilman Zittel, to accept the Occhino Corp quote of \$1,975 to stripe the parking lot at the Senior Center per MDA's sketch. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #6 EXECUTIVE SESSION

Supervisor Drake advised that there would be an Executive Session tonight to discuss some legal issues. Highway Supt Edwards was invited to attend.

Motion by Councilman Zittel, seconded by Councilman Drozd, to go into Executive Session at 7:20 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to come out of Executive Session at 7:51 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #7 CONSENT AGENDA

There was nothing for Consent Agenda.

ITEM #8 COUNCILMAN NOTES

a) Councilman Drozd had a library meeting today.

ITEM #9 MOTION TO ADJOURN

Motion by Supervisor Drake, seconded by Councilman Drozd, and passed unanimously, to adjourn the meeting at 7:52 p.m. in memory of:

Elizabeth A. Jackson
Allison J. Skeffington
Jerome J. Cwiklinski
Trudy E. Stanley
Mary A. Schunk
Arthur Stachowski
Raymond & Beverly Fisher
Paul A. Smith
H. Patrick McFall
Renee M. Troyan
Daniel Gentner



Darlene G. Schweikert
Town Clerk