

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

September 9, 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
BRIAN F. ATTEA, Town Atty
BARRY A. EDWARDS, Hwy Supt
CAROLYN ROBINSON, Dog Control Officer

GEORGE DONHAUSER
ROBIN SION

KIMBERLY KRZEMIEN

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1 APPROVAL OF MINUTES

a) Town Board Work Session – 08/12/2021 - 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 – 08/12/2021 – Motion by Councilman Zittel, seconded by Councilman Drozd, to approve the minutes as presented. Councilmen Krezmien, Snyder, Zittel & Drozd; Supervisor Drake, voting aye. Carried.

c) Special Town Board Meeting – 08/26/2021 - 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

a) Dog Control Officer Robinson expressed her thanks for the recent oil and chip paving on Trevett Road. Even though this is a County road, not a Town road, she is grateful and wanted the Town to pass along her thanks to the County Highway Department.

No one else wished to address the Board. Motion by Councilman Krezmien, seconded by Councilman Zittel, to close Public Comment. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #3 MONTHLY REPORTS

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

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

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

Motion by Councilman Drozd, 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 Snyder, and reviewed by the Board.

General Fund A, abstract 9, bills 843-893; \$49,361.80
 General Fund B, abstract 9, bills 894-896; \$130.34
 Library Fund, abstract 9, bills 987-898; \$286.73
 Fire Protection, abstract 9, NONE
 Joint Van, abstract 9, bills 899-900; \$1,012.37
 Joint Youth, abstract 9, NONE
 Craneridge Lighting, abstract 9, bill 901; \$1,895.22
 Craneridge Sewer, abstract 9, bills 902-909; \$7,804.84
 Highway DA, abstract 9, bills 910-911; \$452.00
 Highway DB, abstract 9, bills 912-923; \$9,912.86
 Kissing Bridge Water, abstract 9, bills 924-926; \$1,585.28
 Kissing Bridge Sewer, abstract 9, bills 927; \$600.00
 Trevett Rd. Water, abstract 9, NONE
 Cattaraugus St. Water, abstract 9, bill 928; \$514.79
 Trust & Agency, abstract 9, NONE
 Capital (HA) Craneridge Sewer, abstract 9, NONE
 Capital (HB) Land, abstract 9, NONE
 Capital (HD) Catt St, abstract 9, NONE
 Capital (HE) Sr. Ctr, abstract 9, NONE
 Capital (HF) Hwy Equip, abstract 9, NONE
 Capital (HG) Waste Study, abstract 9, NONE

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

b) Agricultural District Annual Enrollment – Supervisor Drake read the Agricultural District Notice of Open Enrollment into the Minutes. This Notice is also posted in the Bulletin Board at the Town Hall and the town's website.

PUBLIC NOTICE

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerk's, Assessors and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at www.erie.gov/environment.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

Contact Information:
 Sarah Gatti, Senior Planner
 Erie County Environment & Planning
 95 Franklin Street, 10th Floor
 Buffalo, NY 14202
 Phone: (716) 858-6014
 Fax: (716) 858-7248
 Email: agriculture@erie.gov

c) Set CDBG Public Hearing Date – Supervisor Drake asked the Board to set the Public Hearing for Thursday, October 14, 2021 at 6:00 p.m. Supervisor Drake explained that this is Federal Community Development Funds. The purpose of this hearing is for citizens to express community development and housing needs and to discuss possible projects which would benefit low- and moderate-income peoples in the Town. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set the Public Hearing for the Community Development Block Grant for Thursday, October 14, 2021 at 6:00 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Town Clerk Schweikert will have the notice published in the Springville Journal and post on the signboard at the Town Hall and also the Town's website.

d) Set Tax Cap Public Hearing Date – Supervisor Drake asked the Board to set the Public Hearing for Thursday, October 14, 2021 at 6:15 p.m. Supervisor Drake advised that at this time the Town Board is working on the budget and does not know if the budget will go over the tax cap. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set the Public Hearing for Thursday, October 14, 2021 at 6:45 p.m. for the 2020 Budget. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Town Clerk Schweikert will have the notice published in the Springville Journal and post on the signboard at the Town Hall and also the Town's website.

e) MDA Agreement – Supervisor Drake reviewed the deteriorating condition of the bridge culvert on Morton Road during the Work Session earlier. Some emergency work needs to be completed to get through the Winter. The DEC advised that there are trout and steelhead in Derby Brook so the town could not be in the water after September 15th and the necessary permits could not be obtained with that deadline. The Town will need to do some emergency repair work now and then next Spring, replace the culvert. Hwy Supt Edwards advised that his department will take the deck off and see what is there. Supervisor Drake advised that this project will cost between \$180,000 and \$220,000. MDA Engineers total fee is \$27,500 but not all of that fee will be paid this year. Motion by Councilman Zittel, seconded by Councilman Drozd, to approve the MDA Consulting Engineers August 31, 2021 agreement and authorize Supervisor Drake to sign the agreement. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

f) Close Morton Road – This was discussed during Work Session. Hwy Supt Edwards will notify the residents of Morton Road; the school district has already been notified. Road closure signs will be posted.

Councilman Drozd moved the adoption of Resolution 10, seconded by Councilman Zittel:

WHEREAS, Highway Superintendent Edwards notified the Town Board of the deteriorating condition of the bridge on Morton Road, between Groth Road and Pritchard Road, and

WHEREAS, it has been determined that the current condition of the road constitutes an emergency to the health and safety of the public and therefore it is in the

best interest of the public to close Morton Road; Morton Road would remain open for local traffic only, effective immediately.

NOW, THEREFORE, BE IT RESOLVED, the Town Board directs Highway Superintendent Edwards to install the appropriate signage on Morton Road.

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.

g) Croft Refund – Supervisor Drake reviewed the Croft Home Occupation Permit and Sign Permit details with the members. The Town approved the permits but the neighbors had concerns and complaints and the Town revoked the permit. Mr. Croft is asking the Town to refund the permit fees of \$150. The members do not want to set a precedent in refunding money and will change our forms to state that fees are non-refundable. Motion by Councilman Snyder, seconded Councilman Zittel, to give bank to Mr. Croft the permit fees of \$150. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Councilman Snyder cautioned that the Town needs to be careful not to set the precedent of refunding. Town Atty Attea noted that this matter had extenuating circumstances and that this is a rare enough occurrence.

h) Highway Truck – Hwy Supt Edwards would like to replace one of the Trucks with the same bid that former Hwy Supt Dains used when the last truck was purchased. This would be off state bid. The price for the cab and chassis was \$136,318 and the 2021-2022 price is \$145,942; a \$9,624 difference. The price for the plow/box wing was \$91,588.10 and the 2021-2022 price is \$113,534; a \$21,945.90 difference. Hwy Supt Edwards advised that the total cost of the new truck is \$259,476. Auctions International estimates that the 2003 Volvo would bring in roughly \$30,000; for a cost of \$229,476. The difference is \$1,599.90 from what was paid for the last truck. Hwy Supt Edwards noted that Valley Fab quoted \$11,050 more. If the Board approved the purchase of the cab and chassis, it will take a year to get the truck. Supervisor Drake advised that the sales tax amount is coming in higher than expected and could be put into the DB account so there is money for this purchase. This will come out of the 2022 Budget. Motion by Councilman Zittel, seconded by Councilman Drozd, to allow Hwy Supt Edwards to move forward with the cab and chassis purchase. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Hwy Supt Edwards asked the Board’s permission to declare items surplus and put the items on Auctions International:

- (2) Pallets of hydraulic motors and hydraulic cylinders (used)
- Pallet of electric motors
- Pallet of used plow parts
- Aluminum fuel tank
- Back rack
- Truck tires
- Old plow and wing
- Loader sweeper
- (3) chipper boxes

Motion by Councilman Krezmien, seconded by Councilman Zittel, to declare the above items as surplus. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Hwy Supt Edwards advised the Board that the high lift is in. They are installing the broom and set of forks and it will be delivered to the Town next week. No payment is due on this equipment for the first year.

Supervisor Drake asked for a motion to add (i) JCAP Grant (j) Senior Center Covid Policy and (k) Library Board appointment to the Agenda. Motion by Councilman Snyder, seconded by Councilman Zittel, to add Items (i) and (k) to the Agenda. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

i) Justice Court Assistance Program (JCAP) Grant – Court Clerk Moriarty is working on their JCAP and prepared a resolution for the Board to approve. The application is for smaller items: filing cabinets, shredder, secure step ladder for storage room. If the Board changed their minds on building a storage room on the stage, she would see about getting a quote and add that to the application. Supervisor Drake believes that putting a storage area on the stage is difficult due to the furnace registers; he does not see it appropriate to build a storage area on the stage and the other members agreed. One item the Board would like to see added to the application is the carpet in the Court Room but not sure that would qualify under the grant.

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

RESOLUTION OF THE TOWN BOARD ("THE BOARD") OF THE TOWN OF CONCORD, COUNTY OF ERIE AND STATE OF NEW YORK, WHICH AT A MEETING OF THE BOARD ON SEPTEMBER 9, 2021, DID APPROVE AND AUTHORIZE THE TOWN OF CONCORD JUSTICE COURT TO APPLY FOR A GRANT THROUGH THE JUSTICE COURT ASSISTANCE PROGRAM ("JCAP") FOR GRANT FUNDS IN THE 2021-2022 GRANT CYCLE.

WHEREAS, the Town of Concord Justice Court ("the Court") is the court duly authorized to operate in the Town of Concord.

WHEREAS, the Justice Court Assistance Program ("JCAP"), makes funds available on an annual basis to assist Town and Village courts with upgrades, enhancements, et.

WHEREAS, the Court would like to apply for a JCAP grant in the 2021-2022 grant cycle to cover costs for items that would enhance the courthouse's usefulness and appearance. Further, should the grant be denied, said items would not be purchased until other funding was first secured.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord has voted to support the Court's application and authorizes the Court to apply for JCAP grant funds in the 2021-2022 grant cycle for the purposes so stated in the application.

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.

j) Senior Center Covid Policy – Erie County Department of Senior Services sent Senior Director Eschborn their new COVID recommendations to begin Monday, September 13, 2021 because of the Delta variant. There is one employee at the

Center that does not intend to get vaccinated. Director Eschborn is nervous about this employee being in the Center and serving food. Discussion about current state and federal recommendations and mandates. Can the Town mandate an employee to get vaccinated? If not vaccinated, submit to weekly COVID testing? The Board agreed that the Town needs further direction from Erie County and will need to revisit this. Motion by Councilman Drozd, seconded by Councilman Snyder, for the Senior Center to adhere to the recommendations of the CDC and Erie County Department of Health as detailed in their September 2, 2021 correspondence to the Director with an effective date of Monday, September 13, 2021. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

k) Library Board Appointment – The Library Board appointed Gwendolyn Bixby to their Board and is requesting Town Board approval of the appointment. Ms. Bixby would be replacing Mr. Gorsuch who lived in the Village. His term expires December 2022. The Board discussed the residencies of the current members. Ms. Bixby lives in Sardinia. The Board would now consist of two town residents, two village residents and three library district residents. Motion by Councilman Drozd, seconded by Councilman Snyder, to approve the appointment of Gwendolyn Bixby to the Hulbert Library Board with her term expiring December 2022. 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 no Consent Agenda.

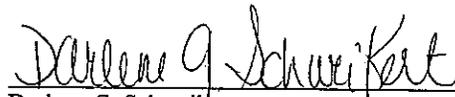
ITEM #8 COUNCILMAN NOTES

There were no Councilman Notes.

ITEM #9 MOTION TO ADJOURN

Motion by Supervisor Drake seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 7:46 p.m. in memory of:

Mary E. Dudzic
Betty June Nunweiler
Steven Barnes
Robert James Schweickert
Norma E. Spaulding
Howard Weldner
Eleanor J. Barthel
Dennis R. Cobo



Darlene G. Schweickert
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

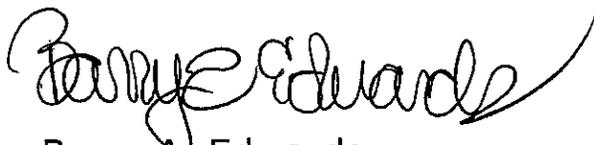
Highway Superintendents Report for the period of August 13, 2021 to September 9, 2021.

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

- Finished parking lot at Senior Center, and hauled 2" gravel back to shop.
- Cut and chipped tree in Craneridge.
- Hauled gravel to Kern Road, and graded around cross culvert.
- Clean culvert and beaver dam on Kaiser Road.
- Hauled black top for the Town of Sardinia. (3 trucks)
- Ditched on Kern Road and installed oversized stone.
- Oversized head wall on bridge at Old Glenwood Road.
- Changed out broom on pull behind sweeper.
- Swept North Street, North Central Ave., White Street, Chaise Road, and Senior Center parking lot for the second time.
- Cleaned and hosed down the floors in the front and rear shop. Washed trucks and mowing tractor.
- Met with DEC at shop and discussed putting in two grease traps in the shop.
- Took truck #10 to Jim Murphy's for oil change.
- Took the two 550's to Emerling Ford for recalls.
- Took down oil and chip signs.
- Trimmed trees on Morton Road.
- Took truck #12 over to Pete Robins for work.
- Took front plows and wings from the two 550's and took them to Maple Grove to get sandblasted and painted.

- Hauled one load of clay and one load of red dirt to Town Park.
- Trim trees and ditched on White Street.
- Fixed sink holes on Morton Road bridge with #1 and #2 stone mix.
- Swept Meadow, Meadow Court, Crane Road, Edelweiss, South Hill, Abbott Hill, and Manchester Road.
- Fixed drop off on White Street hill with millings, regraded shoulders, and installed three safe hits.
- Fixed tarp motor on truck #13.
- Hand patched Craneridge.
- Met with the Supervisor, Kenny Zittle, and Caleb Henning (from MDA Engineers) to go over Morton Road culvert project.
- Brought in "road closed" and "bridge closed" signs. Installed new signage and lights for Morton Road when it comes time to close road.
- Went and picked up six 2x2x6 blocks for Morton Road project.
- Fixed safe hits on Town Roads.
- Continue mowing Town Roads.

Respectfully Submitted,

A handwritten signature in black ink that reads "Barry A. Edwards". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Barry A. Edwards
Highway Superintendent