

TOWN OF CONCORD TOWN BOARD MEETING August 18, 2022
Immediately Following 6:30 p.m. Public Hearing

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR,
at 7:05 p.m.

ROLL CALL: PHILIP DROZD, SUPERVISOR
CLYDE M. DRAKE, COUNCIL MEMBER
KENNETH D. ZITTEL, COUNCIL MEMBER
WILLIAM F. SNYDER, COUNCIL MEMBER
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

ALSO PRESENT: STEPHANIE A. BACON, Deputy Town Clerk
CALEB HENNING, MDA Consulting Engineers PLLC

Supervisor Drozd opened the meeting at 7:05 p.m. The purpose of this meeting is to conclude the SEQR process and adopt the Bond Resolution for the Craneridge and Kissing Bridge Wastewater Treatment Plant. Town Clerk Schweikert had published the Special Town Board Notice in the Springville Journal on August 4, 2022. The Notice was posted on the Town's website and the sign board at the Town Hall consistent with the Order Calling for Public Hearing adopted on July 28, 2022.

Caleb Henning from MDA Consulting Engineers addressed the Board. He noted that the flow meter for Craneridge that was installed this spring is reading almost double what it should be reading. He believes that it is incorrect and should be lower. The new flow meters at both plants will play a large role in designing the new plant and the plant may even be able to be smaller than what the report had concluded. Council Member Zittel asked if Mr. Henning is aware of any drains that go into the sewer from the houses that should not be (i.e. sumps, downspouts). Mr. Henning said that he does believe that there are some of those issues and he suggests that the Town modify its sewer law to require an inspection during a real estate transaction. This would provide the opportunity to catch some of these issues because the amounts discharged to the sewer in this manner makes a significant difference.

Council Member Drake said there is about \$375,000 available on the current bond from the last time work was done on the Craneridge wastewater treatment plant. He asked Mr. Henning how many gallons the new plant would be good for. Mr. Henning stated that it would be able to process 100,000 gal per day. Council Member Drake then asked if the plan for the treatment plant is just bricks and mortar or is there any technical equipment included in the plan. Mr. Henning stated that wastewater treatment plants are not high-tech. One system they recommend is an algae-based system. The algae generate oxygen to help treat the water. It reduces the aeration needs so the system requires less power to run. In general, the wastewater treatment plant is mostly infrastructure but will include an online monitoring and alarm system. Council Member Drake asked if there is a possibility that solar could be used to power the system. Mr. Henning said that it is a possibility and he has seen it used before but the billing can be tricky.

ITEM #1 MORTON RD CULVERT CHANGE ORDER

The culvert project on Morton Rd has concluded. Edbauer Construction requested a change order as in connection to the reattachment of the guide rail. The plan called for the guide rail to be reused and reattached to the new culvert. The new culvert required the guide rail be attached in a different manner. Due to this issue, a change order in the amount of \$2,710.83 was requested to cover the cost of labor, etc.

Motion by Council Member Zittel, seconded by Council Member Drake, to approve the change order for the Morton Road culvert project in the amount of

\$2,710.83. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #2 CRANERIDGE & KISSING BRIDGE CONCLUDE SEQR

At the Town Board Meeting on July 13, 2022, the Town Board began the 30-day SEQR process, Part 1 of the Full Environmental Assessment Form. A Resolution was passed naming the Town of Concord as Lead Agency.

The 30-day comment period has now concluded. Erie County Planning, Homes & Community Renewal (funding agency-CDBG), and NYS DEC submitted comments. The DEC identified the permits that will be needed for the project. The project was also sent to SHPO (State Historic Preservation Office). They just requested information before the meeting so the Town does not have a No Effect Letter from SHPO yet. The planning can move forward and the letter can be obtained.

All other agencies did not comment.

Motion by Council Member Drake, seconded by Council Member Snyder, to conclude the SEQR process. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #3 CRANERIDGE & KISSING BRIDGE SEQR NEGATIVE DECLARATION

Supervisor Drozd moved the adoption of Resolution 33, seconded by Council Member Krzemien:

RESOLUTION WITH REFERENCE TO THE PROPOSED TOWN OF
CONCORD, ERIE COUNTY, NY

TOWN SEWER DISTRICTS NO. 1 AND NO. 2 IMPROVEMENTS
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
NEGATIVE DECLARATION

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617, hereafter called SEQRA, the Town Board previously determined this action to be a Type I Action, and solicited Lead Agency status as provided for under SEQRA; and

WHEREAS, the Town of Concord has proposed to construct a single replacement wastewater treatment plant that will serve both the Craneridge and Kissing Bridge sewer districts (Sewer District No. 1 and Sewer District No. 2), and improvements to the collection system within the Craneridge Sewer District; and

WHEREAS, a coordinated review of the project scope has been completed and Involved Agencies have been consulted on specific potential impacts as referenced in the attached Negative Declaration:

NOW, THEREFORE, be it RESOLVED as follows:

1. The Town Board of the Town of Concord assumes Lead Agency Status and determines the project will have no significant impact on the environment and therefore issues a Negative Declaration as defined under SEQRA.

2. The Negative Declaration shall be forwarded to all Involved Agencies.

3. The Negative Declaration will be submitted to the NYS Department of Environmental Conservation for publication in the Environmental Notice Bulletin.

4. This resolution shall take effect immediately.

Voting as follows:

Council Member Drake	Aye
Council Member Krzemien	Aye
Council Member Snyder	Aye
Council Member Zittel	Aye
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

ITEM #4 CRANERIDGE & KISSING BRIDGE RESOLUTION & ORDER AFTER PUBLIC HEARING APPROVING THE IMPROVEMENTS PROJECT

Council Member Snyder moved the adoption of Resolution 34, seconded by Council Member Drake:

RESOLUTION AND ORDER
AFTER PUBLIC HEARING APPROVING
THE JOINT INCREASE AND IMPROVEMENT OF
FACILITIES OF SEWER DISTRICT NO. 1 and SEWER DISTRICT NO. 2

WHEREAS, the Town Board of the Town of Concord (herein called "Town Board" and "Town", respectively), in the County of Erie, New York, has, pursuant to Town Law, created Sewer District No. 1 and Sewer District No. 2 (collectively, the "Districts"); and

WHEREAS, the Town Board has directed MDA Consulting Engineers, PLLC (the "Engineer"), competent engineers licensed in New York, to prepare a preliminary map, plan and report for a sewer system capital improvements project within the Districts; and

WHEREAS, such sewer system capital improvements project will generally consist of improvements to Sewer District No. 1 and Sewer District No. 2, such work to include, but not be limited to, the construction of a new combined wastewater treatment plant ("WWTP"), decommissioning of the existing WWTPs, construction of a sanitary sewer pump station and force main from Kissing Bridge to the new WWTP, and various improvements to the existing sanitary sewer system within the Craneridge subdivision, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report referred to above, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"); and

WHEREAS, pursuant to the direction of the Town, the Engineer has completed and filed with the Town Board such preliminary map, plan and report for such joint increase and improvement of facilities of the Districts; and

WHEREAS, the estimated maximum cost of the Project is estimated to be \$6,700,000; and

WHEREAS, said cost is to be financed by the issuance of serial bonds of the Town in the aggregate principal amount of \$6,700,000, offset by any federal, state, county and/or local funds received; and

WHEREAS, The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary; and

WHEREAS, the Town Board issued an Order at its July 28, 2022 meeting calling for a public hearing to be held on August 18, 2022 at 6:30 o'clock p.m. (prevailing time) or shortly thereafter to consider said joint increase and improvement of facilities of the Districts and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law, and further ordered the Town Clerk to publish at least once in a newspaper designated as an official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a copy of this Order, certified by said Town Clerk, the first publication thereof and said posting to be not less than ten nor more than 20 days before the date of such public hearing; and

WHEREAS, said notices of the public hearing were properly published and posted and the public hearing duly held at the time and place stated in the notices.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED BY THE TOWN BOARD OF THE TOWN OF CONCORD, based on the information provided at the public hearing, as follows:

DETERMINED, that it is in the public interest to increase and improve the facilities of the Districts as hereinabove described and referred to at the estimated maximum cost of \$6,700,000; and it is hereby

DETERMINED, that the parcels and lots of the Districts shall be benefited by said joint increase and improvement of the facilities of the Districts; and it is hereby

DETERMINED, that all parcels and lots benefited by said joint increase and improvement of the facilities are included in the Districts; and it is hereby

ORDERED, that the facilities of the Districts shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense for said joint increase and improvement of the facilities, and with the assistance of the Town Attorney, prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of the Project shall be annually apportioned among the Districts by the Town Board, financed by the issuance of serial bonds of the Town in an aggregate principal amount not to exceed \$6,700,000 (said amount to be offset by any federal, state, county and/or local funds received), and unless paid from other sources or charges (including, but not limited to, sewer rents), the costs of said joint increase and improvement of facilities, shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable, except as provided by law; and it is hereby

FURTHER ORDERED, that the Town Board may establish sewer rents as provided in paragraph (1) of subdivision one of Town Law Section 198; and it is hereby

FURTHER ORDERED, that within ten days after adoption of this Resolution and Order, the Town Clerk will record with the Clerk of the County of Erie a copy of this Resolution and Order, certified by said Town Clerk.

The adoption of the foregoing Resolution Approving the Joint Increase and Improvement of Facilities of Sewer District No. 1 and Sewer District No. 2 was duly put to a vote roll all, which resulted as follows:

Voting as follows:

Council Member Drake	Aye
Council Member Krzemien	Aye
Council Member Snyder	Aye
Council Member Zittel	Aye
Supervisor Drozd	Aye

The Resolution Approving the Joint Increase and Improvement of Facilities of Sewer District No. 1 and Sewer District No. 2 was declared adopted.

ITEM #5 CRANERIDGE & KISSING BRIDGE ADOPT BOND RESOLUTION

Council Member Snyder moved the adoption of Resolution 35, seconded by Council Member Zittel:

A BOND RESOLUTION, DATED AUGUST 18, 2022, OF THE TOWN BOARD OF THE TOWN OF CONCORD, ERIE COUNTY, NEW YORK (THE "TOWN"), AUTHORIZING A CAPITAL IMPROVEMENTS PROJECT WITHIN SEWER DISTRICT NO. 1 AND SEWER DISTRICT NO. 2 AT AN ESTIMATED MAXIMUM COST OF \$6,700,000 AND AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,700,000 OF THE TOWN, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE, SAID AMOUNT TO BE OFFSET BY ANY FEDERAL, STATE, COUNTY AND/OR LOCAL FUNDS RECEIVED, AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

WHEREAS, the Town Board of the Town of Concord, Erie County, New York (the "Town"), has established Sewer District No. 1 and Sewer District No. 2 (collectively, the "Districts"); and

WHEREAS, the Town Board has determined by resolution to undertake a sewer system capital improvements project within the Districts; and

WHEREAS, the Town Board has determined to proceed with the Project; and

WHEREAS, the Town Board desires to issue obligations of the Town to finance the costs of the Project.

NOW THEREFORE,

BE IT RESOLVED, by the Town Board (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake a sewer system capital improvements project that will generally consist of improvements to Sewer District No. 1 and Sewer District No. 2, such work to include, but not be limited to, the construction of a new combined wastewater treatment plant ("WWTP"), decommissioning of the existing WWTPs, construction of a sanitary sewer pump station and force main from Kissing Bridge to the new WWTP, and various improvements to the existing sanitary sewer system within the Craneridge subdivision, as well as other such improvements as more fully identified in (or contemplated by) such map, plan and report prepared in connection with such project, all of the forgoing to include all necessary site work, equipment, apparatus and other improvements and costs incidental thereto and in connection with the financing thereof (collectively, the "Project"). The estimated maximum cost of the Project is \$6,700,000.

SECTION 2. The Town Board plans to finance the estimated maximum cost of the Project by the issuance of serial bonds in an aggregate principal amount not to exceed \$6,700,000 of the Town, hereby authorized to be issued therefore pursuant to the Local Finance Law, said amount to be offset by any federal, state, county and/or local funds received. Unless paid from other sources or charges, (including, but not limited to, sewer rents) the cost of such improvement is to be paid by the issuance of serial bonds and by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law.

SECTION 3. It is hereby determined that the Project is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds (and any bond anticipation notes issued in anticipation of the sale of such bonds) as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds or notes becoming due and payable in such year. Such costs will be annually apportioned among the Districts by the Town Board and unless paid from other sources or charges, (including, but not limited to, sewer rents) the cost of the Project shall be paid by the assessment, levy and collection of special assessments from the several lots and parcels of land within the Districts which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on such bonds as the same become due and payable, except as provided by law. Should the assessments upon benefited real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on such bonds or notes as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and of Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized,

including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and details as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town. Without in any way limiting the scope of the foregoing delegation of powers, the Town Supervisor, to the extent permitted by Section 58.00(f) of the Local Finance Law, is specifically authorized to accept bids submitted in electronic format for any bonds or notes of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the purpose or purposes described in this resolution.

SECTION 9. This resolution shall constitute the declaration (or reaffirmation) of the Town's "official intent" to reimburse the expenditures authorized in this resolution with the proceeds of the bonds, notes or other obligations authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 10. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and may designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3) of the Code.

SECTION 11. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 12. The Town Supervisor is further authorized to call in and redeem any outstanding obligations that were authorized hereunder (at such times and in such amounts and maturities as may be deemed appropriate after consultation with Town officials and the Town's municipal advisor), to approve any related notice of redemption, and to take such actions and execute such documents as may be necessary to effectuate any such calls for redemption pursuant to Section 53.00 of the Local Finance Law, with the understanding that no such call for redemption will be made unless such notice of redemption shall have first been filed with the Town Clerk.

SECTION 13. The Town has complied with applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act ("SEQRA"), comprising Article 8 of the Environmental Conservation Law and, in connection therewith, duly issued a negative declaration and/or other applicable documentation, and therefore, no further action under SEQRA is necessary.

SECTION 14. To the extent applicable, the Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation ("EFC") (the "SRF Project Financing Agreement"). To the extent applicable, the Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 15. In the absence or unavailability of the Town Supervisor, the Deputy Town Supervisor is hereby specifically authorized to exercise the powers delegated to the Town Supervisor in this resolution.

SECTION 16. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with

and an action, suit or proceeding contesting such validity is commenced within 20 days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 17. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in a newspaper having a general circulation in the Town and designated as the official newspaper of the Town for such publication.

SECTION 18. This Resolution is effective immediately.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

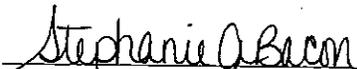
Voting as follows:

Council Member Drake	Aye
Council Member Krzemien	Aye
Council Member Snyder	Aye
Council Member Zittel	Aye
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

ITEM #6 MOTION TO ADJOURN

Motion by Council Member Krzemien, seconded by Council Member Zittel, to adjourn the meeting at 7:25 p.m. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye. Carried.



 Stephanie A. Bacon
 Deputy Town Clerk