

TOWN OF CONCORD TOWN BOARD MEETING  
Public Hearing  
Assessor Position

April 13, 2023  
6:00 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR

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

EXCUSED: WILLIAM F. SNYDER, III, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk  
BARRY A. EDWARDS, Hwy Supt.  
DAWN MARTIN, Assessor  
SHERRI ONDESKO, Assessment Clerk  
CAROLYN A. ROBINSON, Dog Control Officer

GEORGE DONHAUSER  
JASON KUHN  
JAIME KUHN  
JULIE FRANCISCO  
SEAN MAHONEY

MEAGAN KUHN  
MELYNDA WIELKIE  
NICK MATHEWSON  
ROBIN SION

Supervisor Drozd opened the Public Hearing at 6:00 p.m. regarding the proposed Local Law to establish the office of single appointed Assessor pursuant to Real Property Tax Law, §328.

Notice is hereby given that the Town Board of the Town of Concord will hold a Public Hearing on Thursday, April 13, 2023 at 6 p.m. at the Concord Town Hall, 86 Franklin Street, Springville, New York, for the proposed Local Law to Change from an Elected Assessor to a Single Appointed Assessor. The proposed Local Law is on file in the Town Clerk's Office available during regular business hours. Any interested persons will be heard at that time.

The Notice of the Public Hearing was published in the Springville Journal on March 16, 2023 and was also posted on the Town's signboard at 86 Franklin Street, Springville, New York, and the Town's website [www.townofconcordny.com](http://www.townofconcordny.com) on March 13, 2023.

Supervisor Drozd began the Public Hearing by reading the proposed Local Law #2 of 2023 and then asked if anyone in attendance wished to address this matter.

The following residents spoke regarding the proposed Local Law:

Dawn Martin, Assessor, addressed the Board. She has been the Assessor for 10 years and has worked in that office for 16 years. Concord is the last Town with an elected Assessor in all of Erie County; only about 22% of Assessors in New York State are currently elected. Assessor Martin noted that she is all for the right of town residents to have the right to elect to officials to make decisions on their behalf; however, the Town Assessor does not have any say or control over budgets, tax levies or tax rates. The Assessor's job is to create a yearly, equitable assessment roll which is then used to distribute the tax burden along to the taxpayers. This is mostly dictated by Real Property Tax Law. Because of this Assessor Martin feels there is no real benefit to having an elected Assessor. In order to be elected or appointed to the position of Assessor, the individual must have certain credentials and she gave a brief summary of these credentials. Assessor Martin respects Council Member Snyder's position about wanting this sent to a referendum but this has been out for referendum in the past and it has failed so she truly believes that if the Town Board really wishes to change this position to appointed, to just do it through the Local Law. Other Towns that have recently switched to an appointed Assessor have done it through the Local Law and not a referendum.

Assessor Martin provided the Board with her history and knowledge in the field and discussed how the salary for Assessor should be paid fairly for the hours worked. Assessor Martin would like to be involved in the process when the position goes from elected to appointed with regard to the salary and office expectations and believes this should be in writing; salary shouldn't be strictly based on time spent in the office. She noted that an Assessor, whether appointed or elected, should be compensated based on the Town's size and makeup (parcel count, commercial presence, exemptions, etc.) Concord has 4300 parcels with a Village, a growing commercial strip and a lot of agricultural properties. Assessor Martin reiterated that the position really does not have any benefit as elected to act on behalf of the taxpayer; the Assessor does not have any influence on tax rates and levies, the Assessor does serve the public by treating all taxpayers who come into her office. Assessor Martin addressed some comments made at the last Board meeting about her office being closed. Yes, her office has been closed more than usual; there was a very tragic event that happened during Christmas time. The office has one full-time and one part-time employee; and there is not always coverage when the full-time employee is sick, off, or even lunch. All time off taken has been time off earned. Having time off for lunch, vacation, sickness is not only relevant to her office; it happens everywhere in Town Hall; and that time off should not be limited to her office hours. In conclusion, Assessor Martin agrees with the position of Town Assessor being appointed vs. elected. She noted that the elected Assessor's term goes to December 31<sup>st</sup> but if it is appointed it starts October 1<sup>st</sup>; for a six-year term. Robin Sion, who works at the Erie County Board of Elections, noted that the elected position expires December 31<sup>st</sup> and she believes the Town can appoint an Assessor starting January 1<sup>st</sup>. Supervisor Drozd will review this matter with the Town Attorney.

Supervisor Drozd advised that there are some more benefits here for the Town which he had discussed with Assessor Martin; possible shared services agreement with other towns. Concord is the last Town with an elected Assessor in Erie, Cattaraugus and Wyoming Counties. The Local Law before the Board tonight is for adoption without a referendum; not going on the ballot. New York State gave municipalities permission in about 2005 when most of the towns in the state changed to appointed. This has been discussed in the Town of Concord for 12 years now.

Supervisor Drozd asked if there were any other comments:

Julie Francisco addressed the Board. She questioned if there was one shared Assessor, would there be one central location and be there full-time? Or otherwise, there would be the same situation. Supervisor Drozd noted that towns are handling this differently to conform with how the municipality runs. Some towns know that the Assessor takes calls for other towns during their time and that is reciprocation is done; working together. Mrs. Francisco noted that Assessor Martin is part-time and can't be here all the time. If this was a concern years ago, maybe this should be a full-time job and paid commensurately.

George Donhauser questioned why there is not a full Board here for this meeting? Supervisor Drozd noted that the other Board Member had to be excused for tonight. Mr. Donhauser noted that the excused Board Member was in favor of putting this on a referendum. He felt that with the history of overwhelmingly people wanting to vote for their Assessor, why would this not go to referendum? Supervisor Drozd noted that other towns are doing this and the best way to learn what is going on is to go to Supervisor/Assessor/Town Clerk meetings and how things are being done or needs improvement. Mr. Donhauser asked how many other positions in the Town could be appointed vs. elected? Supervisor Drozd advised that this Public Hearing tonight is about the Assessor position.

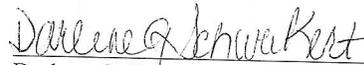
Sean Mahoney advised that he strongly opposes making this position being appointed. All positions should be voted and elected; opens up corruption. This is taking things away from the People; taking the power from the People. This is not how our country was founded. Assessor Martin asked Mr. Mahoney how as the Assessor does she represent him since she does not have anything to do with budgets, levies or tax rates. The people who have control of those items, should be the elected officials. Everything an Assessor does is governed by Real Property Tax Law. Mr. Mahoney said that an

elected Assessor gives the residents a choice. Assessor Martin explained that Assessor's need certain credentials to be an Assessor.

Mrs. Francisco asked the Board what the term would be for an appointed Assessor and if the appointment could change with any newly-elected Board. Supervisor Drozd noted that both elected or appointed are six-year terms and not subject to change due to newly-elected Board members.

Supervisor Drozd noted that this seems to be working in the other towns where the change to appointed Assessor has taken place. Cattaraugus County took over all the assessing for their county.

Motion by Council Member Krzemien, seconded by Council Member Zittel, to close the Public Hearing at 6:26 p.m. Council Members Drake, Krzemien & Zittel, Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.



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Darlene G. Schweikert  
Town Clerk