

TOWN OF CONCORD TOWN BOARD MEETING January 12, 2023
7:00 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR,
at 7:00 p.m.

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

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

EXCUSED: BRIAN F. ATTEA, Town Attorney

GEORGE DONHAUSER ASHLEY LOWRY, Springville Journal
DAVID SICIGNANO

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DROZD

ITEM #1 APPROVAL OF MINUTES

a) Work Session – 12/08/2022 - Motion by Council Member Zittel, seconded by Council Member Snyder, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

b) Town Board Meeting – 12/08/2022 - Motion by Council Member Drake, seconded by Council Member Krzemien, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

c) Special Town Board Meeting – 12/30/2022 - Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #2 PUBLIC COMMENT

Supervisor Drozd opened the floor for Public Comment. David Sicignano addressed the Board asking for an update on his neighbor situation from when he was at a meeting two months ago. Supervisor Drozd noted that CEO Roberts had not briefed Supervisor Drozd. Town Clerk Schweikert advised that CEO Roberts would be sending a letter to the neighbor. Mr. Sicignano will contact CEO Roberts to follow up.

ITEM #3 MONTHLY REPORTS

The Senior Director Report was not included on the Agenda; copy received by the Board. Motion by Council Member Snyder, seconded by Council Member Zittel, to add (k) Senior Director Report to Monthly Reports. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve the Monthly Reports, Items a-i & k. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

- a) Code Enforcement Report – December 2022
- b) Code Enforcement Yearly Report 2022
- c) Dog Control Officer Report – December 2022
- d) Dog Control Officer Yearly Report 2022
- e) Town Clerk Report – December 2022
- f) Town Clerk Yearly Report 2022
- g) Judge Frank Report – November & December 2022
- h) Judge Gibbin Report – November & December 2022
- i) Supervisor's Report – September 2022

- j) Highway Report - Hwy Supt Edwards advised that the night shift started on January 9, 2023.

Motion by Council Member Zittel, seconded by Council Member Snyder, to receive and file the Highway Department Report. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

- k) Senior Director Report

ITEM #4 OLD BUSINESS

a) Burke Special Use Permit – Council Member Drake advised that the Planning Board had recommended that the Special Use Permit be approved. Council Member Drake would make the motion to approve. Council Member Zittel would like the Special Use Permit to be conditioned that there is to be no parking on the road. The Burkes have been versed on the parking situation at Planning Board, CEO Roberts and at tonight's meeting. Council Member Zittel would like this in writing on their Permit. Motion by Council Member Drake, seconded by Council Member Zittel, to approve the Special Use Permit of Thomas & Michele Burke for the purpose of a winery and tasting room with the condition that there is to be no parking on Trevett Road. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

b) LED Lighting Project Senior Center completed. This will also be at New Business (c) to transfer the \$5,000 received from NYSERDA from A3005 where the money was sitting and put it into Building Maintenance. The Chapman Electric bill was \$5,188.10 so it just about pays the whole bill. Their original quote was \$5,000 but Chapman Electric fixed a couple items that had been broken for awhile at the Senior Center. Auctions International was at the Senior Center on Tuesday, January 10th and took pictures of the old lighting to put out for auction.

c) Town Hall Flooring Project has been completed.

d) Auctions International payment – At the last meeting, Supervisor Drozd advised that the Town would be getting \$65,162.50. The buyer did not pay for the van so it will go back on auction. The Town received a check for \$49,392.50. Auctions International was here on Tuesday. The old Senior Van will be rebid as well as some other small surplus stuff from the Highway Department and the lighting at the Senior Center.

e) Town Hall Painting Project – Painting Pro delivered some samples for to decide the paint colors. The Town Hall painting project is scheduled for February 2023.

f) Community Park pavilion Project Update – Council Member Zittel brought to Board up to date. Ground was broken for the new pavilion. The piers are in; it was stoned today. It is now ready for concrete. The building is to set next week. Will put the roof on and then pour the concrete. Supervisor Drozd met with Alliance Home on January 10th to review the punch list items for the project. He discussed some of these punch list items with the Board: manual flush toilets, a locking storage pantry cabinet.

g) Truck Grant – Supervisor Drozd has been working on this grant application for a while now. The representative that the Town was working with at USDA, Dawn, passed away. When the fire company did the USDA grant for their paving project, Dawn did not require the fire company comply with the bond request. She was going to do the same here but the new representative said that the Town would need to bond this project. Town Attorney Attea reviewed this with Bond Counsel John Alessi and their fee would be a minimum of \$5,000. The truck is going to be delivered shortly. The fees could go up to \$10,000. On their advice, and because the Town might have to go to the USDA for a possible loan/grant, it might behoove the Town to leave this truck grant go and back off on the truck grant application. Supervisor Drozd has already spent over 100 hours on this application over the last 2+ years; this agency does not yet do anything electronic; it's all handwritten. This would also require the Town to do a permissive referendum and an estoppel certificate. Motion by Council Member Drake, seconded by Council Member Zittel, to terminate the USDA truck grant application. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #5 NEW BUSINESS

a) Audit of the Bills – Abstract 13 are from 2022 and Abstract 1 are January 2023.

Year 2022 Abstract 13:

General Fund A, abstract 13, bills 1588-1657 & 1725; \$53,956.96
General Fund B, abstract 13, bills 1658-1663; \$633.70
Library Fund, abstract 13, bill 1664; \$46.33
Fire Protection, abstract 13, NONE
Joint Van, abstract 13, bills 1665-1669; \$309.40
Joint Youth, abstract 13, NONE
Craneridge Lighting, abstract 13, bills 1670-1671; \$4,572.75
Craneridge Sewer, abstract 13, bills 1672-1682; \$3,302.86
Highway DA, abstract 13, NONE
Highway DB, abstract 13, bills 1683-1718; \$34,558.23
Kissing Bridge Water, abstract 13, bill 1719; \$15.00
Kissing Bridge Sewer, abstract 13, bill 1720; \$233.00
Trevett Rd. Water, abstract 13, NONE
Cattaraugus St. Water, abstract 13, NONE
Trust & Agency, abstract 13, bills 1721-1724; \$7,670.07
Capital (HA) C. Sewer, abstract 13, NONE
Capital (HB) Land, abstract 13, NONE
Capital (HD) Catt St, abstract 13, NONE
Capital (HE) Sr. Ctr, abstract 13, NONE
Capital (HF) Hwy Equip, abstract 13, NONE
Capital (HG) Waste Study, abstract 13, NONE

Motion by Council Member Zittel, seconded by Council Member Snyder, to approve the bills as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Year 2023 Abstract 1:

General Fund A, abstract 1, bills 1-15; \$15,644.95
General Fund B, abstract 1, bills 16-18; \$68,463.33
Library Fund, abstract 1, bill 19, \$45.95
Fire Protection, abstract 1, bills 20-25; \$184,113.24
Joint Van, abstract 1, NONE
Joint Youth, abstract 1, NONE
Craneridge Lighting, abstract 1, NONE
Craneridge Sewer, abstract 1, bills 26-27; \$14,407.62
Highway DA, abstract 1, NONE
Highway DB, abstract 1, bill 28; \$4,457.65
Kissing Bridge Water, abstract 1, NONE

Kissing Bridge Sewer, abstract 1, bill 29, \$10,625.00
Trevett Rd. Water, abstract 1, NONE
Cattaraugus St. Water, abstract 1, NONE
Trust & Agency, abstract 1, NONE
Capital (HA) C. Sewer, abstract 1, NONE
Capital (HB) Land, abstract 1, NONE
Capital (HD) Catt St, abstract 1, NONE
Capital (HE) Sr. Ctr, abstract 1, NONE
Capital (HF) Hwy Equip, abstract 1, NONE
Capital (HG) Waste Study, abstract 1, NONE

Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve the bills as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

b) BridgeNY Program RE: Ross Road – Supervisor Drozd has discussed this matter with Wendel Companies and agreed that the project would require a concrete box design; just like the Town did last year on Morton Road. This program is a 95% grant with 5% matching funds from the Town. CHIPS money can be used for this project.

c) Authorize Bookkeeper to transfer \$5,000.00 from A3005 (State Aid-Mortgage Tax) to A1620.42 (Building Maintenance) Senior Center lighting labor – This was discussed earlier during Old Business. Motion by Council Member Snyder, seconded by Council Member Zittel to authorize Bookkeeper Timmel to transfer \$5,000.00 from A3005 to A1620. 42. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

d) Park Use Request – The Town received a request from Kyle Warner, Director of the New York Stingers Baseball located in Chaffee to use Community Park for a tournament on May 11, May 12, May 13, and May 14, 2023. These dates are before Little League starts. This was discussed with SYI and they have no problem with these dates. SYI will have a team competing in the tournament. This use would be dependent upon Park Supt Schweikert's determination that the fields are ready. The use of Field #2 is contingent upon the completion of Park Pavilion construction project. Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve the request of Kyle Warner to use Community Park for the tournament as detailed above. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

e) CEO Roberts – Request to attend the Niagara Frontier Building Officials Association Training on January 23-January 25, 2023 at the Hyatt Regency Hotel in Buffalo; the cost is \$325. This is the required annual training and the money is in the budget. Motion by Council Member Drake, seconded by Council Member Zittel to approve the request of CEO Roberts to attend the required annual training. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

f) Authorize Town Clerk to advertise for Trash Pickup - Motion by Council Member Zittel, seconded by Council Member Krzemien, to authorize Town Clerk Schweikert to advertise for the Spring Trash Pick Up. The bid opening will be Monday, February 6, 2023 at 10 a.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Spring Trash Pick Up will take place beginning Monday, May 15, 2023.

g) General Code Proposal – The Code update has been discussed several times in the past and this cost is in the 2023 Budget. The last update was in 2017.

Supervisor Drozd read Town Attorney Attea's email regarding the Code update:

"Good morning to all. I am sorry I will miss this month's meeting but wanted to comment briefly on this matter.

To the extent the money is already in our budget and we are going to continue to use eCode to publish and post our town code online, I think it is important that the Board commit to keeping it as up to date as possible, such that it may need to become at least an annual update with money allocated each year.

Both Kevin Rautenstrauch (Town Prosecutor) and I have run into situations where individuals were basing a defense of a potential violation on older code provisions that appeared online through eCode and that have not been updated yet (whether their interpretation was correct or not).

I think it is really simple—if we are going to use this service to post our Code online, we need to make sure it is as current as possible so that it provides accurate guidance to town people or others relying on it for development decisions, etc. If we are not going to commit to that, I think we should look to pull our Code off from that service completely and just direct people to the link on our website or wherever we decide to post it for the public.”

Motion by Council Member Drake, seconded by Council Member Zittel, to authorize Supervisor Drozd to sign the General Code Proposal in the amount of \$11,900.00. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

h) Resignation-Court Officer Joseph Laurito – Court Officer Joseph Laurito submitted his letter of resignation effective January 11, 2023. With the new law passed by NYS Governor Hochul, Mr. Laurito does not meet the qualifications. This leaves the Town with no Court Officers at this time. Motion by Council Member Drake, seconded by Council Member Krzemien, to accept the resignation of Joseph Laurito effective January 11, 2023, with regrets. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Supervisor Drozd asked the Board for a motion to add (j) Community Park Water Project to the Agenda. Motion by Council Member Snyder, seconded by Council Member Zittel, to add (i) Community Park Water Project under New Business. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

i) Community Park Water Project – Council Member Zittel updated the Board. Schenne & Associates will have the new water system design to meet Erie County requirements for the Community Park Pavilion completed next week so the Town can now put this out to bid. Motion by Council Member Krzemien, seconded by Council Member Zittel, to authorize Town Clerk Schweikert to advertise for the Community Park Pavilion Water System. The bid opening will be Monday, February 6, 2023 at 10:30 a.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #6 COUNCIL MEMBER NOTES

a) Supervisor Drozd advised the Board:

(1) The Town received a \$2,000,000.00 grant for the combining of the Craneridge and Kissing Bridge Wastewater Treatment Plants through Congressman Chris Jacob's office. Since he is no longer our Congress representative, Supervisor Drozd is waiting for the new contact list for our new Congressman Nick Langworthy. The Town will need to stay on top of this grant

(2) Supervisor Drozd was notified that we did not get any Community Development Block Grant funding for our grant application for the Concord Senior Center Improvements in the amount of \$33,445.83. He was advised that may be another round of money specifically for Senior Center improvements; a Plan B is in the works. He will keep the Board posted. The Town definitely needs a freezer at the Nutrition Site

for the frozen meal program.

b) Council Member Krzemien noted that if there is warm weather next week, Mike Conner will move the headstone at the Mortons Corners Cemetery.

c) Council Member Zittel advised the Board:

(1) the Chief's Council meeting is Tuesday, January 17th

(2) the Southtowns Planning & Development meeting will be Monday, January 23rd at Danny's South starting at 5:30 p.m. The speaker cancelled so he is trying to find a substitute.

d) Council Member Drake attended the Southtown's Rural Preservation Board meeting on Monday, January 9th. He is now on the Board of Directors. This Board does grant applications for low-income families for home repair and provides housing counseling services. There are people from the Village of Springville and Town of Concord who have received grants in the past and are applying for grants.

ITEM #7 CONSENT AGENDA

There was nothing for Consent Agenda.

ITEM #8 EXECUTIVE SESSION

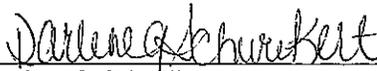
Supervisor Drozd asked for a short Executive Session to discuss personnel. Motion by Council Member Zittel, seconded by Council Member Drake, to go into Executive Session at 7:33 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Motion by Council Member Drake, seconded by Council Member Snyder, to come out of Executive Session at 7:45 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #9 MOTION TO ADJOURN

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

Carol A. Soldo
Gianna Marie Ondesko
Florence C. Stoltenberg
Gerald J. Jerozal
Dee W. Pierce
Gary L. Perkins
Mary Jane Janik
Elizabeth Fiel
Charlotte M. Emerling Callison
Michael F. Crawford
Geraldine M. Vandervort
Shirley A. Schweikert
Julius Paar
Dennis P. Borden
Richard L. Bochenek
Nancy King
Roger J. Edbauer



Darlene G. Schweikert
Town Clerk