

TOWN OF CONCORD TOWN BOARD MEETING March 9, 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
 WILLIAM F. SNYDER, III, COUNCIL MEMBER
 KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

EXCUSED: KENNETH D. ZITTEL, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
 BARRY A. EDWARDS, Hwy Supt.
 BRIAN F. ATTEA, Town Attorney
 CAROLYN A. ROBINSON, Dog Control Officer
 ELEANOR ESCHBORN, Concord Senior Director
 CALEB HENNING, MDA Consulting Engineers

GEORGE DONHAUSER
JOHN JURKOWSKI

MARTHA ANDERSON
KEN KASSEL

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER SNYDER

ITEM #1 CONSENT AGENDA

- a) Approval of Minutes:
 - (1) Work Session – 2/9/2023
 - (2) Town Board Meeting – 2/9/2023

Motion by Council Member Snyder, seconded by Council Member Drake,
to approve Consent Agenda (a)(1-2). Council Members Drake, Snyder & Krzemien;
Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

- b) Monthly Reports:
 - (1) Code Enforcement Report – February 2023
 - (2) Dog Control Officer Report – February 2023
 - (3) Town Clerk Report – February 2023
 - (4) Judge Frank Report – January 2023
 - (5) Judge Gibbin Report – January 2023
 - (6) Supervisor’s Report – December 2022

Motion by Council Member Drake, seconded by Council Member
Krzemien, to approve Consent Agenda (b)(1-6). Council Members Drake, Snyder &
Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

ITEM #2 PUBLIC COMMENT

Supervisor Drozd opened the floor for Public Comment. Carolyn
Robinson advised that as a resident on Trevett Road she received a letter from Erie
County Executive Mark Poloncarz notifying her to expect disturbances during the
reconstruction of Trevett Road. She lives quite a distance from where the actual work
will be done. She is happy that the work is getting done.

No one else wished to address the Board. Motion by Council Member
Krzemien seconded by Council Member Drake, to close Public Comment. Council
Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member
Zittel, excused. Carried.

ITEM # 3 HIGHWAY DEPARTMENT

- a) Hwy Supt Edwards read his filed report.

Motion by Council Member Snyder, seconded by Council Member Drake, to accept the written Highway Report. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

b) Last month during Work Session, Hwy Supt Edwards reviewed quotes for a new truck with the Board. Since two Council Members are absent tonight, this matter was tabled. This matter was reviewed again tonight. Two bids were received from Valley Fab and Viking for the new plow truck. These were from Source Well, the state bid. For a box, wing and plow. Viking was \$123,136 and Valley Fab was \$97,550. Rock City Dodge price was \$69,549 and Emerling was \$67,313 for the one-ton cab and chassis. Hwy Supt Edwards would recommend that the Town proceed with Valley Fab and Emerling. In the 2023 Budget, line DB5130.20, the Board allotted \$155,000. \$5,000 for shop tools and \$150,000 for a new truck. Two trucks were sold for a total of \$48,900 which would leave a balance of \$198,900. \$8,900 was used toward the new 2023 10-wheeler which left a balance of \$190,000.

The cost of the new plow and wing from Valley Fab of \$97,550 and the new cab and chassis from Emerling of \$67,313 would total \$164,863 leaving a balance of \$25,137. The department will be selling a 550 and an estimated sales price would be \$50,000 which would total \$75,137 as a remaining balance in DB5130.20 after the sale of the surplus 550.

Hwy Supt Edwards informed that Board that since 2015, the department has spent over \$75,000 on these trucks: one was \$44,385 and the other was \$24,579. He recommends that the Town get on a program to turn these trucks around quicker. Supervisor Drozd thanked Hwy Supt Edwards and Deputy Heim for all their work on this and since this is in the Budget, he would ask the Board for a motion to allow Hwy Supt Edwards to proceed. Motion by Council Member Drake, seconded by Council Member Snyder, to authorize Hwy Supt Edwards to proceed with the purchase of the one-ton as detailed above. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

Motion by Council Member Snyder, seconded by Council Member Drake, to accept the written Highway Report. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

ITEM #4 CONCORD SENIOR CENTER

- a) Senior Center Report – Director Eschborn highlighted her filed report.

1) The month of February they served 652 lunches with 264 frozen; total \$1,244 collected in donations for Erie County.

2) The fire alarm at the Center continues to go off. She reached out to the company who says that nothing is wrong with the alarm. They said it is a communication problem. The next time it goes off, she was told to contact Spectrum. It is believed that it is between the alarm and the phone

3) The Center is doing an AED training on March 29th at 1 p.m. for employees. It has not yet been opened to the public. Right now she has 18 employees signed up. The flat fee for the training is \$100. The Board discussed opening this up to the public. Supervisor Drozd advised the Board that a new AED device will be needed for the Community Park pavilion. A SYI member might like to attend this half hour training. There is no maximum amount for attendance. After discussion, the Board agreed to open this up to the public.

4) There has been a lot of interest in horseshoe pits. She researched this and has had two groups that are willing to install them and pay for them; at no cost to the Town. They would go where the old vegetable garden was. Two pits, 40 feet lengthwise; 10 feet between the two of them; filled with sand. The pressure treated wood would be 8 inches and in between would be grass, Supervisor Drozd asked Hwy Supt Edwards' opinion on this since the highway department mows the Center. Hwy Supt Edwards noted that there are horseshoe pits on Dowd Road and they could go there. He noted that if the pits go in, then they will be asking for lights so they can play at night. Council Member Drake thought this should be discussed with the Town's insurance company before a decision can be made. Supervisor Drozd will follow up.

5) Director Eschborn would like the Board to consider purchasing cameras to put up at the Center. There have been two incidents of strangers walking around on the property. Police have been notified. Possibly ARPA funds could be used. In past she had used her husband's trail camera but it was stolen.

Supervisor Drozd moved Agenda, New Business (d) Request of Kiwanis to Hold "Bunny Breakfast" from New Business to be discussed at this time. The Kiwanis would arrive approximately 7:30 a.m. and breakfast would be served 9 a.m. to 12 noon and out by 1 p.m. Martha Anderson really wants to keep the Kiwanis Club active in our community. The Kiwanis will charge \$7 for an adult breakfast; this is a fundraiser. The Board discussed a nominal fee to be charged and agreed on \$60 which is the cost of the cleaner.

Motion by Supervisor Drozd, seconded by Council Member Krzemien, to approve the request of the Kiwanis Club to use the Concord Senior Center for their "Bunny Breakfast" fundraiser at the cost of \$60. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried. Supervisor Drozd thanked the Kiwanis for coming tonight and the Kiwanis thanked the Board for approving their request.

Supervisor Drozd moved Agenda, Old Business (f) KB Sewer Plant from Old Business to be discussed at this time. Caleb Henning addressed the Board starting with the bigger project. A sewer study was conducted in 2014. The map provided to the members is from that study. This study basically looked at the old treatment plants and their recommendation was to combine the two waste water treatment plants and decommission the old ones. Last year that report was updated and the Town passed a Bond Resolution for this project and pursued funding and went through the SEQR process. Some traction has taken place now. The project is not yet fully funded yet; however, the Kissing Bridge Waste Water Treatment Plant is becoming more and more of a problem with pump failures and aeration problems, tanks that need to be aerated. There is an old steel line inside the waste water treatment plant that is plugged and just recently the operational staff had to run a temporary, separate pipe above ground just to keep this plant running. There is also a chlorination line that is rotted and needs to be replaced; things are literally falling apart in that plant. There was a meeting a couple weeks ago at MDA Consulting Engineers with Ben Slotman and Supervisor Drozd to discuss options. The idea of moving forward with part of the large project to build a new waste water treatment plant included building a pump station and a pipe to pump the sewage from the Kissing Bridge Plant over to the new plant which is going to be near the Craneridge Plant. Basically, what would be done is building that pump station and force main now because the operational costs are just going up and if you build it now the Town would be saving a lot on the costs of keeping the plant operational. MDA Consulting Engineers prepared their proposal to do that option for the engineering services which includes the design of the pump station, demolition the KB Plant, the 3" HDPE Force Main and Easement Acquisition if necessary. An easement may be necessary from Kissing Bridge and not sure if there would be cost for this easement. The total estimate for this project \$420,000.00. These are costs contained in the updated report that the Town is pursuing funding for; all part of the project that the Town has already passed the Bond Resolution to authorize the project. The environment process is already complete; the preliminary steps are already complete. Mr. Henning believes that

this amount of money can be recouped quite quickly just because if you decommission the Kissing Bridge Plant the Town will not have to pay Ellicottville to operate it; would not have to pay anyone to operate it. The operating costs would go away. All that would need to be paid is for a little bit of electricity to pump it over so he thinks it makes sense in a short-term standpoint and it is also part of this larger project so it was going to happen eventually anyways. One thing that makes this possible is the fact that last year in May, the Town put two new flow meters in (one in each Plant). Those flow meters were reading substantially less than the old ones and MDA thought something was wrong but after double checking and recalibrating it was confirmed that they were reading properly. The reality is that the Craneridge Plant does have the capacity to handle the Kissing Bridge flow whereas before those meters were replaced, it did not appear that the DEC would approve this plan because it looked like the flows were a bit too much at times; like in Spring time. The previous meters may have been defective to some degree because Mr. Henning does not believe there is less flow. That is not usually a trend seen in Craneridge. Mr. Henning believes this is a good project. There certainly is a need for it. Their proposal is for design services, bidding services and then services during construction of the project. Supervisor Drozd asked if the demolition of the old Kissing Bridge Plant would be done separate from the main bid to see if bids would come in better for that demolition. It could be set up as an alternate in the main bid and then the Town could change to award it separately if so desired. The DEC will require the decommissioning of the Kissing Bridge Plant as part of the project.

Supervisor Drozd asked Mr. Henning to inform the Board of the other DEC issues at the Plant. Mr. Henning noted that Ellicottville is doing everything they can to keep the Plant operating. There was an old pipe that was buried and it was plugged. It cannot be snaked anymore. Ellicottville temporarily installed a PVC pipe above grade, in the way where you can't even step over it; you need to duck under it. This temporary pipe is allowing the Plant to function but it is not a good, long-term solution. The Town did get a bill from Ellicottville for this work in the amount of \$1,954.55 because this work is over and above our contract with them. There was also discussion about the Kissing Bridge Agreement and not having the Kissing Bridge Plant really simplifies that whole agreement. This agreement could then be reworked because an operator will not be necessary; just somebody to check on the pump once in a while. Supervisor Drozd asked Mr. Henning that should this project not happen and it goes into next Winter with that temporary plastic pipe, what would happen if it freezes? Mr. Henning noted that the pipe can be accessed but he would not recommend that the Town try to go into the Winter. The Town would need to reinstall a pipe underground. Supervisor Drozd feels there is no other option. Mr. Henning said this really needs to be done; the other option would be to keep maintaining the old Kissing Bridge Plant but the costs are going to continue to go up. There are a couple different pump stations in the plant already and there is just one pump operational right now. There are a couple blower units that have different jobs and one doesn't work properly. Repairing the blower would cost thousands of dollars. Mr. Henning advised that they would design a stand-alone pump station with a wet well to handle peak flows; this would include installing a pipe under the creek to the other Plant. There are three different options: (1) open excavate the creek with the right permit, (2) drill it under, or (3) put an insulated pipe on the bridge. His preference would be to get it under the creek and it can be done. Council Member Snyder noted that there would be maintenance associated with the pump and Mr. Henning confirmed that. It would be a new service but there would be no certified operator needed, no daily operations and lab work. All of those costs would not be required. There is a person who comes to haul sludge out, another to take samples and then the operator. Mr. Henning believes now is the time to do this project because of the issues at the Plant. Council Member Drake reminded the Board that the Town pays Ellicottville \$40,000/year. He estimated that if the Town went out and borrowed the \$420,000 at 7% for 30 years, the cost would be about \$35,000/year. Council Member Snyder asked the life of a pump and Mr. Henning noted that a pump is considered a short life asset and the Town should budget to replace it every 10 years. The pipe line work would be about a 50-year expectancy. HDPE manufacturers would say it was 100 years. Council Member Snyder asked Mr. Henning if he had any concerns regarding capacity; Mr. Henning said that he did not at this point. The Kissing Bridge Plant is barely running flow-wise for what it is designed for which is about 20,000 gallons a day. The Craneridge Plant is designed to handle an average daily flow of 80,000 and it is not really

close to that amount. Right now, the Kissing Bridge Sewer District is not creating a lot of flow. MDA Consulting Engineers would double check this and would also make sure that the DEC was in support of the plan and then they would get on the design phase of the project. A boundary survey and topographical survey would be needed for the design work. MDA Consulting Engineers would engage a company to do soil boring to determine the make up of the soil and the kind of rock that they would need to drill through. The design would be finished in a month or two. The DEC currently does not have a backlog of projects for review so hopefully the DEC can turn their review of the design around quickly. Supervisor Drozd asked Mr. Henning when would be his best guess of having this plant operational if the Board proceeded with the project and he said November; the end of the year, with final restoration in the Spring. The bid would probably go out in May or June with a four-week bidding period. The bids would then be reviewed. He noted that it takes about six weeks to get all the paperwork and insurances so the contractor would be ready to go about the end of July. HDPE pipe has been fairly available. One issue that may be faced is lead time on equipment; he does not believe the job is a difficult job for a contractor. Supervisor Drozd asked if it would be a pre-cast concrete building or a built-on site building. That decision has not yet been made but Mr. Henning said it would be a concrete man-hole wet well with a flat top and probably a fiberglass enclosure over it. It would not be a stick-built building. An alarm system should be installed and there are a couple options for these: cellular or hook up to Spectrum. Power and some sort of communications would be needed. Supervisor Drozd reminded the Board that this would need to be done as part of the larger project. Mr. Henning said that this project is going through EPA, that the appropriation the Town is getting is being administered by the EPA, there are two different environmental reviews: the State (SEQR) and if you have federal funding involved on a project, a federal review, National Environmental Policy Act (NEPA) is required. It is similar to SEQR but the NEPA has not yet been done on this project and now may be the time to get this done as well. This is a task under the previous MDA Consulting Engineer Agreement. This was not yet completed by MDA Consulting Engineers and he would like to get the Board's approval to start preparing the NEPA review.

Supervisor Drozd advised the Board that there would be two motions needed. One to start the NEPA process and the second the Kissing Bridge Sewer District Pump Station and Force Main proposal. Council Member Drake noted that currently Kissing Bridge ski corporation pays 75% of the cost of that fund; when should the Town bring Kissing Bridge ski corporation into this? Meet with them to let them know what is going on? Mr. Henning thinks this is a good plan; it could be handled at the beginning of the engineering phase. Council Member Drake questioned if there would be an interruption of service during this project and Mr. Henning said no; a bypass plan would be something built into the contract. Would the pump station be built on a separate piece of land? This would be determined once MDA Consulting Engineers gets a survey. The plant would not be designed to take everyone off line without service for months; the pump station would be built in a place that is available and divert the flow to it. That's where the land acquisition amount in the proposal comes in. There may be a need to get a little chunk of land to build a pump station but once the current plant is decommissioned, that land becomes available. Possibly a trade of lands could be worked out.

Motion made by Council Member Drake, seconded by Council Member Krzemien, to authorize MDA Consulting Engineers to proceed with the NEPA review. This task is under the previous MDA Consulting Engineers Agreement with the Town. Mr. Henning said the cost in the agreement to prepare the NEPA review was \$5,000. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused.

Motion by Council Member Snyder, seconded by Council Member Krzemien, to approve the MDA Consulting Engineers March 2, 2023 Proposal for the Kissing Bridge Sewer District Pump Station and Force Main pending DEC approval of the plan and authorize Supervisor Drozd to sign the Proposal. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused.

Supervisor Drozd then asked Mr. Henning to review with the Board the Craneridge Sewer District Pump Station and Culvert Replacement Proposal dated March 6, 2023. Supervisor Drozd discussed this matter during Work Session. There has been discussion with Erie County Soil & Water to possibly include in their funding to take care of one of the problems up there. This Proposal would be to eliminate the pump station at the end of Ridge Trail. The Town received a letter last year from the property owner that purchased that property at auction that they want the pump station removed. Council Member Drake noted that there is still money in the bond from the last time Craneridge Waste Water Treatment was done and that money could be used for this project. The existing pump station is difficult to access and is requiring more frequent maintenance. The wooden house that is over it, is falling in. There are manholes on the way out there that are exposed. Because there is no plan to expand the townhouses beyond the current buildout, the existing pump station and several section of gravity main can likely be abandoned. It makes sense to abandon this pump station and make it safe and deal with the waste water in a different way. MDA Consulting Engineers would evaluate the options for eliminating the existing pump. Previously MDA Consulting Engineers did a manhole inspection report of Craneridge and this was reviewed for this proposal. Based on the depth of the manholes, he is not sure they could be gravity fed. This would need to be verified before a pump was designed. These are just residential townhouses so he believes a pretty economical plan could be designed to put in residential grinder pumps and pump it across the street. This would allow the Town to get rid of the pumps in the back and put in a couple small grinder pumps if it cannot be gravity. The map was reviewed with the Board to show that there are two manholes across the street from each other. The gravity option would be explored first but he believes that the pump option is a decent option. There are whole sewer districts where there is a pump at every house so this is not new but if you can gravity, that would be the easier option. This proposal would be on an hourly basis and MDA Consulting Engineers would start with the first task and look at the manholes and see if there is a gravity route. If they can, they would give this information to the Town and prepare that design. If they cannot, they would inform the Town and prepare that design. An estimate of those costs was provided. Right now, Ellicottville has to walk out to this pump station. The DEC was also unhappy a couple years ago because there is no alarm out there. The second task would be to provide assistance as needed to coordinate with Erie County Soil and Water to evaluate the culvert and stream bank stabilization. The operators have documented the stream bank subsidence and the culvert is essentially washed out. Supervisor Drozd asked the Board how they would like to proceed. Mr. Henning noted that if the Town Board likes the proposal as is, do the field work and give the Town an update and then make sure the Town is ready to go. If the Town wants to pause at any point, that would be fine as well. If the Town accepts this Proposal as is, it would cover the design phase. The design work is similar to that of a septic system. The field work could be done next week to determine if it could be a gravity system. Again, MDA Consulting Engineers would have a conversation with the DEC to make sure they are on board with the plan before the design work is done. If two grinder pumps needed to be installed, the cost might be around \$20,000 of installation costs. Supervisor Drozd commented that the land was sold at auction last year and because it keeps sliding, he does not see anyone building there. An alarm would be on a grinder pump; an audible alarm which the phone number could be given to the homeowner so if the alarm goes off, the owner could call and they would come out to take care of it. This is something that could be incorporated into the Ellicottville agreement; when the operator goes up to the main pump, they could just look at the lights and make sure everything is ok. The lights could be seen from the road. Motion by Council Member Snyder, seconded by Council Member Drake, to accept the MDA Consulting Engineers March 6, 2023 Proposal for the Craneridge Sewer District Pump Station and Culvert Replacement and authorize Supervisor Drozd to sign the Proposal. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused.

Mr. Henning saw the Agenda Item (e) Water District Pipe Inventory under Old Business and asked if he could discuss this with the Board. Ellicottville is doing their inventory now and the Town will need to do this for the water districts. Mr. Henning advised that because of when Kissing Bridge Water District was built, the lead and copper rule revision that the EPA passed requires all water system owners to inventory their lead service lines. The only pipes the EPA is worried about is the service lines. It

goes from the main all the way into the house. It includes the pipe typically owned by the municipality and it also includes the portion of the pipe that is typically privately owned. The District on top of the hill is fairly small and would be easy to do. This is due by October 2024. A lot of lead can be ruled out just because of when it was put in. If the Town can document when all these homes were put in and tied into the public water, the Town may be able to rule it all out just by that. If needed the homeowners could be contacted to stop in to look at their houses and the pipes coming into their home. If it is not known, these requirements assume it is lead until the Town could prove otherwise. There was discussion as to when this inventory project would need to be handled. Mr. Henning would suggest that the Town look at this in the Fall. Council Member Drake noted that the Town will need to do Cattaraugus Water District too. Trevett Road Water District should be handled by Erie County since it was turned over to the Erie County Water Authority. The Cattaraugus Water District was more recent and MDA Consulting Engineers has the record drawings for that District. They know for certain that all the connections to the water main are HDPE. The only thing the Town may need to check is the pipe going into the homes; at worst, they may be galvanized. Mr. Henning would recommend that the Town set up appointments to visit the homes. This inventory is State required as an unfunded mandate.

Supervisor Drozd thanked Mr. Henning; it was very enlightening.

Council Member Drake informed the Board that the whole project cost of combing the Kissing Bridge and Craneridge Sewer Districts is \$6.7 million. The Town received \$2 million in federal funding so the cost is now \$4.7 million without any other funding. Is there any other funding out there? Mr. Henning noted that the Town has worked already with Municipal Solutions in looking for and applying for funding. He believes it is worth it to the Town to put the application in again this year to those same sources. The Clean Water State Revolving Fund will usually give subsidized or low income loans for this type of project and the DEC has several grant programs out there for waste water projects and there is chatter out there that money is available for these types of projects. Council Member Drake calculated the \$4.7 million dollar amount at 7% for 30 years and the amount is \$345,000/year. Mr. Henning did note that part of the project cost about \$1 million that was allocated for collection system improvements. If the Town decides that that wasn't even a possibility, and the funding agencies were on board, that \$1 million could be shaved off the project cost. Given the fact that the last project in Craneridge was done a number of years ago, it is likely there is a need for that collection system at this time. When Derek Rule, MDA, and Ben Slotman did the manhole inspection, a manhole that was new in 2004, it looked like every section was off and falling apart already. Supervisor Drozd thanked Mr. Henning and he left the meeting at 8:05 p.m.

ITEM #5 OLD BUSINESS

a) Erie County Environmental Management Council Representative – This was discussed at last month's meeting. Supervisor Drozd asked if there anyone had any interest in becoming this representative. Currently the Town does not have a representative on this Council. Council Member Drake noted that this does not have to be a Board member. Council Member Snyder said this might make sense to have someone attend. It was suggested that a Planning Board member might like to do this; however, Council Member Drake advised that the Planning Board members may not have time to do this with the Code update project. Supervisor Drozd will see if he can find someone otherwise it can wait until next year.

b) Town Hall Fire Alarm Quote – Amherst Alarm – The strobe light will be installed later this month. The Town Hall Fire Alarm was discussed during Work Session and was put on hold at this time.

c) Volunteer Firefighters Exemption Tax Credit – Supervisor Drozd advised that the Village passed their Local Law last Monday. He has been talking with Springville Griffith Superintendent James Bialasik about this Law as well. The Board decides on whether to adopt the Law not the Superintendent. Their proposed Local Law will mirror what the Village just passed. Their School Vote is May 9th. Supervisor

Drozd asked the Board to set a date for the Public Hearing on the Local Law. Town Clerk Schweikert did some work on the credits and at the current rate and amount of firefighters eligible, the cost to the Town would be approximately \$1,512.78. Everyone may not qualify or may not take the tax credit. The Village noted that their estimate total is about \$1,600; the School would be the highest because their amount per thousand is \$42.52. The Town currently has Tax Credit 466-c on the record and a few of the firefighters take this tax exemption. This new law is an updated version of the 2003 Law; at that time it was just the Town that could participate in this law. The other taxpayers in the Town would have to pay the difference in the Town Tax because of these exemptions. Supervisor Drozd noted that from an administrative standpoint, keeping all three Local Laws the same is best because this computation is done through the Assessor's Office. Supervisor Drozd noted that this is a for "retention" of members; not necessarily for "recruitment." The firefighters can either take the \$200 state income tax credit off their state income tax or this real property tax credit but they cannot do both. Motion by Supervisor Drozd, seconded by Council Member Krzemien, to set the Public Hearing on the proposed Local Law "Volunteer Firefighters and Volunteer Ambulance Workers Exemption for Wednesday, March 29, 2023 at 6 p.m. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried. Town Clerk Schweikert will provide the proposed Local Law to the members tomorrow.

d) Community Park Pavilion Project Update – Supervisor Drozd informed the Board that the floor had been poured last week. Carpenters are working up there now working on the wall in the electric room and restrooms. The next step is the plumbing once the water issue is resolved.

Supervisor Drozd would like to have a Special Town Board meeting immediately following the Public Hearing on the proposed Local Law for the water issues at the Community Park. These issues were discussed earlier in Work Session. Hopefully the Health Department will have approved our design by that time.

e) Water District Pipe Inventory Update – This was discussed earlier this when Mr. Henning was in attendance.

f) KB Sewer Plant – This was discussed earlier this evening when Mr. Henning was in attendance.

Motion by Council Member Drake, seconded by Council Member Krzemien, to add Agenda Item (g) Under Old Business: Schreiber & Winkelman Mining Permit and also Agenda Item (k) Under New Business: (k) Library Board Appointment. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

g) Schreiber & Winkelman Mining Permit – This was discussed at last month's meeting. Town Clerk Schweikert emailed and sent a certified letter to Schreiber & Winkelman regarding their mining permit renewal. Schreiber & Winkelman have elected Option 3: "If the permit is not renewed and Schreiber & Winkelman want to mine again in the future, Schreiber & Winkelman would have to start the whole Special Use Permit process over by filing a new Special Use Permit application with the town and work with the DEC for their permitting process." No motion is required. This information is noted for record purposes only.

ITEM #6 NEW BUSINESS

a) Audit of the Bills – Supervisor Drozd stated that these bills were audited by Council Member Drake, and reviewed by the Board.

Year 2023 Abstract 3:
General Fund A, abstract 3, bills 167-250; \$114,553.68
General Fund B, abstract 3, bills 251-254; \$143.61
Library Fund, abstract 3, bill 255; \$46.85
Fire Protection, abstract 3, NONE
Joint Van, abstract 3, bills 256-259; \$489.86

Joint Youth, abstract 3, bills NONE
Craneridge Lighting, abstract 3, NONE
Craneridge Sewer, abstract 3, bills 260-271; \$33,591.38
Highway DA, abstract 3, NONE
Highway DB, abstract 3, bills 272-300; \$39,651.86
Kissing Bridge Water, abstract 3, bills 301-302; \$463.47
Kissing Bridge Sewer, abstract 3, bills 303-306; \$3,274.35
Trevett Rd. Water, abstract 3, bill 307; \$2,290.80
Cattaraugus St. Water, abstract 3, bill 308; \$2,768.79
Trust & Agency, abstract 3, NONE
Capital (HA) C. Sewer, abstract 3, NONE
Capital (HB) Land, abstract 3, NONE
Capital (HD) Catt St, abstract 3, NONE
Capital (HE) Sr. Ctr, abstract 3, NONE
Capital (HF) Hwy Equip, abstract 3, NONE
Capital (HG) Waste Study, abstract 3, NONE

Motion by Council Member Drake, seconded by Council Member Snyder, to approve the bills in Year 2023 Abstract 3 as presented. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

b) SPCA Contract – This Contract has been reviewed by the Town Attorney Attea and Dog Control Officer Robinson. It is basically the same format as in the past. Motion by Council Member Krzemien, seconded by Council Member Drake, to approve the SPCA Agreement for the term commencing March 1, 2023; see copy attached to the Minutes and authorize Supervisor Drozd to sign the Agreement. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

c) KB Sewer Plant Agreement – This was discussed earlier this evening when Mr. Henning was in attendance.

d) Request of Kiwanis to hold “Bunny Breakfast” at Concord Senior Center on April 1st, 2023 – This was discussed earlier this evening prior to Old Business.

e) Request of 4-H to use Town Hall 2nd or 4th Tuesday afternoon, out by 5 p.m. – Supervisor Drozd has been approached by the local 4-H Club to use the Town Hall on a Tuesday afternoon, to be out by 5 p.m. Parole using the Town Hall the 1st and 3rd Tuesdays so this would be on one of the other Tuesdays of the month. Motion by Council Member Snyder, seconded by Council Member Krzemien, to approve the request of the 4-H to use the Town Hall on either the 2nd or 4th Tuesday afternoon, being out by 5 p.m. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

f) Change Town Board Meeting nights: July back to July 13th and October to October 5th – At the Organizational Meeting, the July Town Board meeting was changed from July 13th to July 20th and would like that date changed back to the regular meeting night of July 13th and Town Clerk Schweikert asked the Board if the October 12th meeting could be changed to October 5th. Motion by Council Member Krzemien, seconded by Council Member Drake, to approve the change of the Town Board Meeting dates for July 2023 and October 2023, as above discussed. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

g) Assessor Position – Set Public Hearing Date-Local Law - Appointed Assessor – This was discussed earlier this evening during Work Session. The members were provided with a draft copy of the Local Law.

A Local Law to establish the office of single appointed Assessor pursuant to Real Property Tax Law, §328.

Be it enacted by the Town Board of the Town of Concord, County of Erie, State of New York, as follows:

Section I. Title:

A Local Law to establish the office of single appointed assessor pursuant to Real Property tax Law, §328.

Section II. Authority:

The Local Law is adopted pursuant to Real Property Tax Law, §328.

Section III. Intent:

It is the intent of this Local Law to abolish the office of elected Assessor in the Town of Concord and to substitute therefore a single appointed Assessor to be appointed pursuant to Real Property Tax Law, §310.

Section IV. Abolition of the Office of the Elected Assessor:

The office of the elected Assessor as previously established and continued by the Town of Concord is hereby abolished. The term of the office of the elected Assessor shall terminate on December thirty-first of the year in which this Local Law shall take effect.

In the place and stead of the elected Assessor, the Town of Concord shall have one (1) single Assessor to be appointed by the Town Board of the Town of Concord.

Section V. Inconsistency:

All other Local Laws and Ordinances of the Town of Concord that are inconsistent with the provisions of this Local Law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency and in all other respects this Local Law shall be in addition to such other Local Laws or Ordinances regulating and governing the subject matter covered by this Local Law.

Section VI. Savings Clause:

If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any Court or competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder, thereof, but shall be confined in its operation of the clause, sentence, paragraph, word section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section VII. Not Subject to Referendum:

Pursuant to Chapter 521 of the Laws of 2006, this Local Law shall **not** be subject to referendum.

Section VIII. Effective Date:

This Local Law shall take effect upon adoption and filing in the Office of the Secretary of State of the State of New York.

Motion by Council Member Drake, seconded by Supervisor Drozd, to set the Public Hearing for the proposed Local Law for Thursday, April 13th, 2023 at 6 p.m.
Council

Council Member Drake wanted to share the experience from when he was Supervisor and that the office would close and residents were not being serviced at lunch time and other times; some people would wait and others would be disgusted and leave. The Town Board has to get their hands on this so it can set some rules on what goes on in that office. He believes the only way to do that is to have an appointed Assessor. Although he does understand where Council Member Snyder is coming from, but thinks that the Board needs to do something. Council Member Snyder doesn't disagree with that and he thinks that an appointed Assessor is the better way to handle the office. It

would add a level of accountability, flexibility and probably would provide a better service to the community. The issue he has is eliminating an elected position by a legislative action without the voice of the people. As much as Council Member Snyder agrees with moving in that direction, he thinks the pathway to get there is not through a local law without a public referendum. It should go to Public Referendum and let the people vote. He would work as hard on getting the word out to the voters for the Public Referendum as he would to petition to go the other route. Whether the Board agrees with the position being appointed or not, it should be a public vote to get there. Council Snyder noted that the Board could hold the Public Hearing and get input. Supervisor Drozd wants to do better for the residents in the Town. The Town can hold the Public Hearing and get input and then make the decision after public comments and when the full Town Board is here.

The motion has been made and seconded. Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

h) Set Public Hearing Date – Kuhn Special Use Permit – This matter was reviewed by the Planning Board at their March meeting and recommended to the Town Board. Motion by Council Member Krzemien, seconded by Council Member Snyder, to set the Public Hearing for the Kuhn Special Use Permit for Thursday, April 13th, 2023 at 6:15 p.m. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

i) SGI Baseball Schedule – Supervisor Drozd received a letter from SGI Athletic Director Joseph DeMartino requesting approval to use Community Park for the 2023 baseball season. Motion by Council Member Drake, seconded by Supervisor Drozd, to allow SGI to use Community Park for the 2023 baseball season and as in past years to work with Park Supt Schweikert to address condition of the diamonds and approval to play games. Council Member Drake wanted discussion on this request. The request says that SGI grounds crew would be willing to help maintain the fields. In speaking with Park Supt Schweikert, this request is for the Varsity, JV and Modified teams and it doesn't specify what diamonds the JV and Modified teams will be using. The Town should be asking the grounds crew to help in getting these fields ready for three different teams. Our employee should not be raking all the fields for these teams. It's one thing to cut the grass but the maintenance of the field should not be our responsibility. Supervisor Drozd will sit down with Parks Supt Schweikert when he returns to the position in April to get a list of duties that the SGI grounds crew should be doing. The school has that language in their request letter every year but they do not do the maintenance on the field. Supervisor Drozd will then meet with Director DeMartino to go over the list. The first game is set for April 13th.

The motion has been made and seconded. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried. Supervisor Drozd will contact Director DeMartino tomorrow just to let him know what the discussion.

j) Justice Court Petty Cash Increase \$50 to \$100 each Judge – Judge Frank had submitted a request to increase the petty cash amounts allotted to each Judge from \$50 to \$100. The Court has found that the amount of \$50 is inadequate to keep a smoothly run Court Session due to an increase of in person Court users. Motion by Council Member Snyder, seconded by Council Member Krzemien, to increase the petty cash amounts allotted to each Judge from \$50 to \$100. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

k) Library Board Appointment – Librarian Morris notified the Board that the Hulbert Library Board of Trustees carried a motion to nominate Kelly Campbell to fill the vacancy of Pamela Bartkowski who left in 2020. Motion by Supervisor Drozd, seconded by Council Member Drake, to appoint Kelly Campbell to the Hulbert Library Board of Trustees with her term expiring December 2027. Discussion ensued about appointments to this Board and how difficult it is to find new members.

The motion has been made and seconded. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

ITEM #7 COUNCIL MEMBER NOTES

a) Council Member Snyder appreciates the members hearing him out on the proposed Local Law regarding the appointed Assessor. He is passionate about it and did not mean any disrespect and is sure that the Board will figure it out.

b) Council Member Drake attended the NEST meeting on Monday. There will be a couple of collection events in the Southtowns this year. The dates have not yet been set. The Town can look forward to those events. In the Village, their residents can get these items picked up through Waste Management now.

c) Supervisor Drozd informed the Board that the Bensley Center and the Senior Center are now on the Erie County Gas Consortium now. 23 North Buffalo Street, 40 Commerce Drive, 13076 North Central Avenue (highway garage), the gas street lighting, and the Historical Building are now all on the Consortium. In January if these accounts went through the retail supplier, it would've cost about \$7,227.70. With the Consortium, the amount was \$5,723.21. This was a 20.8% savings of \$1,504.49 being on that Consortium. Council Member Drake noted that the gas meter is now on the outside of the Bensley Center and thanked Council Member Snyder for his assistance.

ITEM #8 EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session will be necessary to discuss a personnel issue and litigation. Motion by Council Member Drake, seconded by Council Member Krzemien, to go into Executive Session at 8:40 p.m. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

Motion by Council Member Drake, seconded by Council Member Krzemien, to come out of Executive Session at 9:01 p.m. Council Members Drake, Snyder & Krzemien; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

ITEM #9 MOTION TO ADJOURN

Motion by Council Member Drake, seconded by Council Member Snyder, and passed unanimously, to adjourn the meeting at 9:02 p.m. in memory of:

Raymond W. Booth
Craig N. Langhans
David L. Kruse
Gerald E. Cherry
James T. Esford, Jr.
John F. Metzler
Lloyd L. Lamb



Darlene G. Schweikert
Town Clerk

Town of Concord Highway Department

13076 N. Central Avenue

Springville, NY 14141

716-592-4892 Phone

716-592-4357 Fax

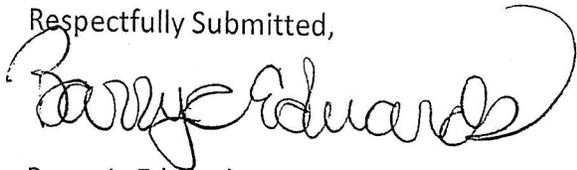
Barry A. Edwards, Highway Superintendent

Highway Superintendents Report for the period of February 8, 2023 to March 7, 2023.

With twenty-eight days in this period the Highway Department

- All trucks were buffed, waxed and the inside detailed.
- Hauled sand to shop multiple days.
- Installed fenders on hi lift.
- Worked on road assessments.
- Took both 550's to Emerling's for repairs.
- Fabricated new mounts on snow box.
- Pick up brush at the Bensley Center.
- Filled potholes with QPR.
- Painted and installed sideboards on Tk#13.
- Worked on getting Tk#13 ready to go into service.
- Repaired hydraulic hose on Tk#15.
- Took Tk#13 to Fleet Maintenance for warranty work.
- Fixed road signs that were tipped.
- Took Truck#11, 14, & 18 to Village barn to wash frames off.
- Took flat tire off of Tk#14 to Freedom Tire for repair.
- Adjusted brakes on Tk#14 & Tk#18.
- Adjusted salt chains on all trucks.
- Greased and lubed all trucks.
- Continue to clean lunch room, office and bathroom.
- Painted stairs and safety line on the floor.
- Swept shops and cleaned the drains.
- Plowed and sanded 12 days this period.

Respectfully Submitted,



Barry A. Edwards,
Highway Superintendent