

TOWN OF CONCORD TOWN BOARD MEETING February 8, 2024
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
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER
KENNETH KASSEL 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

GEORGE DONHAUSER	WILLIAM GOSS
BILL WOOD	MARILYN BECKLEY
DAVID BECKLEY	MARJORIE OPFERBECK
LARRY HEIM	KATHY LUX
SHIRLEY BENKLEY	DIANE FULLER
DONNA KRZES	STEVE KRZES
BILL KREBS	PHIL EMERLING
DONNA SCHWEIKERT	ERIC WILLIAM
GWEN ALEGRE	MITCH ALEGRE
JEFF SOUDER, Assemblyman DiPietro Office	

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER DRAKE

ITEM #1 CONSENT AGENDA

- a) Approval of Minutes:
- (1) Work Session – 1/11/2024
 - (2) Organizational Meeting – 1/11/2024
 - (3) Town Board Meeting – 1/11/2024
 - (4) Spring Trash Bid Opening – 2/5/2024

Motion by Council Member Zittel, seconded by Council Member Drake, to approve Consent Agenda, Items 1-4. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- b) Monthly Reports:
- (1) Code Enforcement Report – January 2024
 - (2) Dog Control Officer Report – January 2024
 - (3) Town Clerk Report – January 2024
 - (4) Supervisor's Report – November 2023
 - (5) Assessor's Report – January 2024

Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve Consent Agenda, Items 1-5. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #2 RESIDENT CONCERNS

Prior to anyone speaking, Supervisor Drozd brought to their attention Old Business (e) Senior Center Membership Fee. At which time Supervisor Drozd will call for the rescinding of the Senior Center Membership Fee for this year due to the fact that it is already February and it was meant to be an annual fee. This will be tabled until the

Fall, probably the October meeting. A couple of people from the Senior Center will be working with Supervisor Drozd to establish guidelines and fee schedule.

Supervisor Drozd opened the floor for Public Comment. There is a three-minute time set aside for each person.

a) Kathy Lux addressed the Board regarding the Senior Center Membership Fee. Ms. Lux submitted a Petition to the Town Board regarding the annual membership fee and spoke in opposition of the fee. She thinks that the organizations that use the Center could pay a fee and help pay for employee's salaries and the Center could be rented out for use. She appreciates the fact that the Board will table the membership fee. Ms. Lux thanked the Board for letting her speak. Supervisor Drozd asked at a Town Supervisor Meeting about their Senior Centers and each Town handles it in their own way.

b) Donna Schweikert addressed the Board. Mrs. Schweikert questioned where the program fees or membership fees would go? Does it go to the Senior Center? Or just to the Town? Supervisor Drozd advised that the money received from the program fees goes into the Town's General Fund. The Town Board looks at the money received every year when the Town's budget is being prepared. Council Member Krzemien advised that last month the Town spent about \$1,200 in costs for the Center not including salaries. Mrs. Schweikert asked if the Town was allowing the Senior Center to be rented out; Council Member Drake said there is a resolution against it at this time because past history has shown that the Center was not secured after the use and a staff member would need to be on site; this makes it cost prohibitive. Mrs. Schweikert is glad that the matter has been tabled.

Supervisor Drozd noted that the Board will have work sessions with a couple of people who have already volunteered to be involved in the process of preparing guidelines and the membership fee. When more details are available, information can be posted at the Center so the people know about any new guidelines, fees and future meetings.

Council Member Zittel noted that this all happened because there needs to be accountability at the Center. There is no emergency contact information on file at the Center; no paperwork. Everything the Town does costs money; making laminated membership cards was discussed.

Council Member Krzemien advised that she had met with Senior Director Eschborn to discuss Center membership. The hope is to provide a safe place for our Seniors. If the Town charges a nominal membership fee, then maybe more programs can be added or hire more staff to keep the Center open longer.

Supervisor Drozd advised that the Town received the CDBG this year which will go to Senior Center improvements. The County puts restrictions on these grants and the funds can only be used for facility improvements.

Mrs. Schweikert noted that it is so important for the Seniors to be able to go there and things to do. There are so many nice things about it that Seniors really need and appreciate. She asked that the Board keep the Seniors updated.

Donna Krzes addressed the Board. Thanked the Board for all the improvements at the Center since the Center opened. She would like to be on a committee as well. Supervisor Drozd advised that even though others may want to be involved in this process, they cannot all be there.; too many cooks will get the soup stirring too heavy.

Bill Krebs addressed the Board. Mr. Krebs thanked the Board for aggressively going after the CDBG for capital improvements at the Senior Center. When the Town continues to apply for and receive these grants for capital improvements because that will somehow transfer to more programs and better programs for the

Seniors. He also thanked the Board for forming a collaborative way to address the membership fee and future programs.

Bill Krebs also addressed the Board regarding the Scenic Byway. The kiosk program is moving along and they met with Legislator Mills on Tuesday. They attended a Visit Buffalo Niagara Conference and he will report back to the Town on this in the future.

ITEM #3 HIGHWAY DEPARTMENT

a) Hwy Supt Edwards read his Highway Report. Hwy Supt Edwards advised that Drew Taylor, the new hire, is working out just fine and the crew is getting along great with him. The Orchard Park Supervisor thanked the Town for loaning them our blower during the January storm.

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

ITEM #4 OLD BUSINESS

Supervisor Drozd asked to move (e) Senior Center Membership Fee up on the Agenda. Motion by Council Member Zittel, seconded by Council Member Drake, to move Item (e) up on the Agenda. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

e) Senior Center Membership Fee – Supervisor Drozd told those in attendance that the Board appreciated all their comments. Motion by Council Member Krzemien, seconded by Council Member Kassel, to rescind the motion made at the January 11th, 2024, Board meeting instituting a membership fee for the Concord Senior Center and table the matter until October 2024. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

a) KBWWTP – Supervisor Drozd updated the Board on this project. The plant is completely offline now. All the electrical is complete. Gerwitz & McNeil had the sub-bid for that part. The new pumping structure is in the ground; the new pumps are here and they are hooked up. The old plant is totally offline. The contractor will be return to finish demolishing the old plant, take down the rest of the fence, some landscaping, fill in the holes. Ben Slotman has applied to NYS to get rid of the SPEDES permit at that location; the Town did not pay this year's fee of \$425. Good progress was made on this project.

Town Attorney Attea has a draft of the amended Agreement with Kissing Bridge. The Town paid Kissing Bridge for January and February. The Agreement has been amended to strike out the language regarding the sewer plant. Town Attorney Attea will review the amended Agreement and would like to table this until March. Once the Town has the draft amended Agreement, it will be given to Rich Fanelli at Kissing Bridge for their review and input.

1. Approve KB Pump Station & Forcemain Payment Application #3 as recommended by MDA Consulting Engineers. Motion by Council Member Drake, seconded by Council Member Zittel, to approve Payment Application #3 – Meyer Septic in the amount of \$59,400. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

b) Catholic Charities – WIC Program – Supervisor Drozd worked with Pastor Keith Clark and WIC for the last couple of months to finalize the relocation of the WIC Program. It will now be located at the Joylan Theater. WIC will be here the first Wednesday of each month from 9 a.m. to 4 p.m., which has already started. WIC is no longer using Town Hall. This is another service that is highly utilized in this area.

c) Craneridge-National Fuel Gas Agreement: signed copy received – The Agreement was signed by National Fuel and the Town. The Highway Department will assist in this project and will work at it as they can. Supervisor Drozd will see if he can obtain a schedule from National Fuel for this project. This project needs to be completed this year.

d) Wendel Companies/Drew Reilly – Information of 94-C Wind & Solar- Supervisor Drozd and Council Member Krzemien and Town Attorney Attea attended a meeting with the four towns. The next day there was meeting at the North Collins Senior Center; most in attendance are not in favor of these windmill projects.

ITEM #5 NEW BUSINESS

a) Audit of the Bills – Abstract 17 are from 2023 and Abstract 2 are February 2024:

Year 2023 Abstract 17:

General Fund A, Abstract 17, \$5,785.75
General Fund B, Abstract 17, NONE
Library Fund, Abstract 17, NONE
Fire Protection, Abstract 17, NONE
Joint Van, Abstract 17, NONE
Joint Youth, Abstract 17, NONE
Craneridge Lighting, Abstract 17, NONE
Craneridge Sewer, Abstract 17, \$293.42
Highway DA, Abstract 17, NONE
Highway DB, Abstract 17, \$104.81
Kissing Bridge Water, Abstract 17, NONE
Kissing Bridge Sewer, Abstract 17, NONE
Trevett Rd. Water, Abstract 17, NONE
Cattaraugus St. Water, Abstract 17, NONE
Trust & Agency, Abstract 17, NONE
Capital (HA) C. Sewer, Abstract 17, NONE
Capital (HB) Land, Abstract 17, NONE
Capital (HD) Catt St, Abstract 17, NONE
Capital (HE) Sr. Ctr, Abstract 17, NONE
Capital (HF) Hwy Equip, Abstract 17, NONE
Capital (HG) Waste Study, Abstract 17, NONE
Capital (HI) Waste Study, Abstract 17, \$103,500

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

Year 2024 Abstract 2:

General Fund A, Abstract 2, \$20,884.17
General Fund B, Abstract 2, \$413.79
Library Fund, Abstract 2, \$5.99
Fire Protection, Abstract 2,
Joint Van, Abstract 2, \$41.06
Joint Youth, Abstract 2, NONE
Craneridge Lighting, Abstract 2, NONE
Craneridge Sewer, Abstract 2, \$2,969.13
Highway DA, Abstract 2, NONE
Highway DB, Abstract 2, \$46,720.02
Kissing Bridge Water, Abstract 2, \$150.00
Kissing Bridge Sewer, Abstract 2, \$1,417.06
Trevett Rd. Water, Abstract 2, NONE
Cattaraugus St. Water, Abstract 2,
Trust & Agency, Abstract 2, NONE
Capital (HA) C. Sewer, Abstract 2, NONE
Capital (HB) Land, abstract1, NONE

Capital (HD) Catt St, Abstract 2, NONE
Capital (HE) Sr. Ctr, Abstract 2, NONE
Capital (HF) Hwy Equip, Abstract 2, NONE
Capital (HG) Waste Study, Abstract 2, NONE
Capital (HI) Waste Study, Abstract 2, \$59,400.00

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

b) Approve 2024 Annual Permits –

1. Mining Permits - The Planning Board recommended the approval of the Mining Permit Renewals, a-e. Motion by Council Member Zittel, seconded by Council Member Drake, to approve the following Mining Permit Renewals, a-e, as recommended by the Planning Board:

- a) McEwan
- b) Cold Spring-Sharp Street Pit
- c) Gernatt Pits: Middle Road-Vaughn/Gentner; Zylinski Clay Mine; Waterman Pit; Wendel Pit.
- d) D&H Materials, Inc.
- e) Russo-Triple R. Properties Pit
*McCarthy Pit was reclaimed.
*Gernatt-Dewald Pit was reclaimed

Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

2. Junkyard Permit Renewals - Motion by Council Member Drake, seconded by Council Member Zittel, to approve the following Junkyard Permit Renewals, a-d, as recommended by the Planning Board:

- a) Jordan's Salvage
- b) Southern Tier Auto Center Inc
- c) Arthur P. King
- d) Ronald Miller

Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

3. Mobile Home Park Permit Renewals – Council Member Drake advised that the Planning Board tabled these annual permits until their June Meeting to allow the property owners and their tenants to take advantage of the Townwide Spring Trash collection which takes place on May 13th.

- 1. Richard Perkins Mobile Home Court
- 2. Springville Mobile Home Park

Motion by Council Member Zittel, seconded by Council Member Krzemien, to table the Mobile Home Park Permit Renewals. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

c) Board of Assessment Review (BAR) Resignation – Daniel Greene has served on the BAR for 21 years and has served as Chairman since 2003. Due to his relocation out of state, BAR Chairman Daniel Greene submitted his resignation from the BAR. Motion by Council Member Drake, seconded by Council Member Krzemien, to accept the resignation of Daniel Greene, with regrets. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

d) Board of Assessment Review (BAR) Appointment - This appointment would be to fill the vacancy of Daniel Greene; the term would end September 2025. Motion by Council Member Krzemien, seconded by Council Member Zittel, to appoint Joshua Walter to the Board of Assessment Review; with term expiring September 2025. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried. Town Clerk Schweikert will notify Erie County of Mr. Walter's appointment so that he can get trained prior to Grievance Day.

e) Fee Schedule – Add Water Tap fee; \$1,000 – A resident did get hooked up to connect to the Cattaraugus Street Water District. The Town did not have a fee for a Water Tap. This cost the Town about \$1,000. To correspond with the fee charged for a Sewer Tap, the amount of \$1,000 per water tap was agreed upon. Motion by Council Member Zittel, seconded by Council Member Drake, to revised the Fee Schedule to include a Water Tap fee in the amount of \$1,000 per water tap. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

f) Award Spring Trash Bid – The Bid Opening was held on February 5, 2024 and one sealed bid was received: MRC Disposal bid \$17,445. The other vendor notified the Town that they would not be submitting a bid this year. Motion by Council Member Drake, seconded by Council Member Zittel, to accept MRC Disposal bid of \$17,445. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried. The Spring Trash collection will start May 13th.

g) Length of Service Award Program (LOSAP) – This matter was discussed at last month's meeting. The Board received actuary figures to increase the maximum years of service from 30 years to 40 years and also 30 years to 50 years. This would be for Mortons Corners and East Concord fire companies; does not include the Village of Springville. This would be for active members and does not include exempt members. The current 30-year term is up this year. Supervisor Drozd asked the Board to review this information for the April meeting. Any changes to the length of service years would need to be changed by vote of the Town of Concord residents. To get this on the November General Election ballot, the proposition would need to be to Erie County Board of Elections by August 5th.

h) Set date Work Session re: Community Park Rules – This meeting would be to discuss rental of the Community Park Pavilion and Park Rules. The Board set the date for this Work Session for Thursday, February 15th at 8 a.m. Supervisor Drozd advised that the bulk of the funds used to build the Community Park Pavilion were grant funds received from Senator Gallivan and Assemblyman DiPietro. The new building has accessible bathrooms, LED lighting, a new well and septic, a kitchen with a canopy serving area. Council Member Drake noted that the grant was awarded prior to the pandemic and it sat on desks for signatures and then COVID happened. When the Town had the go ahead, they restricted the kind of construction we could do. Building costs went high so ARPA funds were needed to complete the project. There will be a fee to use the new Pavilion as there is with all the shelters at Community Park. Supervisor Drozd noted that the Town will be having a grand opening for the Community Park Pavilion this Spring. Community Park will be the site of the music and fireworks for July 4th.

i) Accident Reporting Forms – Supervisor Drozd provided new Accident/Incident Reporting forms provided by our insurance company. The first form to be filled out is the Employer's First Report of Work-Related Injury/Illness form. There is also an Accident/Incident Form to be filed out by the employee. These forms will be used by all offices at the Town and the Highway Department, and will supersede the forms in our Employee Manual. Motion by Council Member Drake, seconded by Council Member Zittel, to approve the use of the new Accident/Incident Reporting forms. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

j) ErieNet Open Access Fiber Infrastructure – Supervisor Drozd attended a meeting on ErieNet broadband. County Executive Poloncarz’s budget includes providing internet to all rural areas. Work is now being done in Boston laying the fiber optic. The project will bring broadband to the Highway Garage, Senior Center, Bensley Center, Town Hall, Bertrand Chaffee Hospital, and East Concord and Mortons Corners Fire Halls. The cost for installation to all of these locations would be \$119,342.77. With a Letter of Support from the Town of Concord, the fees would be paid from the County’s COVID funds and would not cost the Town anything. Motion by Council Member Zittel, seconded by Council Member Krzemien, to authorize Supervisor Drozd to sign the letter of support for this project. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

k) Water Softener at Highway Department – This was discussed earlier this evening during Work Session. Hwy Supt Edwards received two estimates. Motion by Council Member Zittel, seconded by Council Member Drake, to approve the estimate of Reding, Inc., in the amount of \$6,750. This will be paid from the Building Maintenance budget line. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

l) ECRT Resolution – The Board Members received correspondence from ECRT President Mary Brummer. The funding for the Cascade Bridge Evaluation and Planning has been approved. The name of the project was changed by NYS Office of Parks, Recreation, and Historic Preservation (OPRHP) to “Cascade Bridge Planning and Trail Development” and now has two components: (1) Cascade Bridge evaluation and design (previously approved) and (2) Surfacing 1.5 miles of trail north of the Cascade Bridge (new addition to the project). Due to the change, NYS is requiring the Town to update their resolution of support to accurately reflect the current project. The Cascade Bridge evaluation and design part of the design remains the same as in the previous resolution. The 1.5-mile segment of ECRT north of the Cascade Bridge is overgrown with brush and culverts have not been updated. ECRT plans to reestablish the existing ditches, replace or repair existing culverts and erect sturdy barriers to eliminate public access to the bridge. Swing gates or bollards would be installed at road crossings as needed. Town Atty Attea noted that nobody is opposed to increased means of recreation and outdoor activity but to suggest that all the private property owners along that route are in support would be inaccurate. That would be up to the ECRT to confirm or prove and not the Town. Supervisor Drozd asked if the Board would like him to call the new President, Mary Brummer, to have her show us proof that she has all adjoining private property owner’s consent or approval or have her come to the next meeting. The Board agreed that was prudent and the matter was tabled to gain more information.

m) John Andrews Proclamation – Supervisor Drozd would like to recognize John Andrews on his 90th birthday and acknowledge all his accomplishments for the Town. Mr. Andrews served two terms in the Town of Concord as Town Justice. Motion by Council Member Krzemien, seconded by Council Member Zittel, to authorize Supervisor Drozd to sign the Proclamation honoring John Andrews. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

Town of Concord Proclamation
Honoring John Andrews
Celebrating his 90th Birthday

Whereas, John Andrews has been a lifelong resident of Springville and the Town of Concord; and

Whereas, John Andrews’ service to his community has touched many lives; and

Whereas, John Andrews has held such titles as Officer with the Springville Police Department, Town Justice, Member of the Springville Fire Department, and President of the St. Aloysius Parish Council; and

Whereas, John Andrews’ talents as an Operating Engineer have made him a part of many of the roads and buildings that we use daily; and

Whereas, John Andrews played a part in the construction of such projects as the natural gas lines serving the Town of Concord, Highmark Stadium, The Smithsonian Institution, the M&T Building in Buffalo, the Alaska Pipeline, and many of the roads and highways we use; and

Whereas, the Town of Concord is very honored to recognize John Andrews for his many life achievements and for the important role he has played in the history of the Town of Concord:

Therefore, Be It Resolved on this day, February 8th, 2024 the Concord Town Board celebrates John Andrews on this milestone and wish him continued health and happiness.

Added to the Agenda:

n) NYS Retirement Resolution – NYS Retirement is requiring the Town to amend Resolution 6 of Year 2023: “Standard Work Day and Reporting Resolution” to correct a reporting error.

Council Member Drake moved the adoption of Resolution 1, seconded by Council Member Krzemien:

STANDARD WORK DAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the Town of Concord, Local code 30252, hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

ELECTED OFFICIALS:

Timothy Frank, SS#XXX, Reg. No. XXX, Town Justice; Term: 01/01/2020-12/31/2023, Standard Day 6, Record of Activities Result: 3.45; Pay Frequency: Monthly

Leslie Gibbin, SS#XXX, Reg. No. XXX, Town Justice; Term: 01/01/2022-12/31/2025; Standard Day 6, Record of Activities Result: 3.86; Pay Frequency: Monthly

Dawn Martin, SS#XXX, Reg. No. XXX, Town Sole Assessor; Term: 01/01/2018-12/31/2023; Standard Day 6; Record of Activities Result: 12.00; Pay Frequency: Bi-Weekly

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

Supervisor Drozd advised that another Resolution will be necessary now that the Assessor Position is an appointed position and no longer elected.

ITEM #6 COUNCIL MEMBER NOTES

a) Council Member Zittel provided flyers from National Fuel for the "Better Plan, No Bans" detailing National Fuel's opposition to Governor Hochul's Energy Plan legislation.

b) Council Member Zittel wished everyone a Happy Valentine's Day.

ITEM #7 EXECUTIVE SESSION

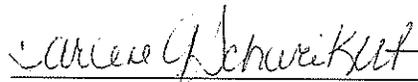
Supervisor Drozd advised that an Executive Session will be necessary to discuss litigation and one personnel matter. Motion by Council Member Drake, seconded by Council Member Zittel, to go into Executive Session at 8:17 p.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

Motion by Council Member Drake, seconded by Council Member Zittel, to come out of Executive Session at 8:47 p.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #8 MOTION TO ADJOURN

Motion by Supervisor Drozd, seconded by Council Member Zittel, and passed unanimously, to adjourn the meeting at 8:48 p.m. in memory of:

Aloysius G. Kessler
Betty Jean Dille
Judith M. Delia
Florence Latak
Rodney D. Snyder
Marian L. Nunweiler
Joanne E. Schelble
Frank "Chet" Lewalski
Anne R. Watson
Duane B. Puff
James F. Gillen
Marion L. Ahles
Sharee A. Wells



Darlene G. Schweikert
Town Clerk