

TOWN OF CONCORD TOWN BOARD MEETING
7:00 p.m.

August 9, 2018

MEETING CALLED TO ORDER BY CLYDE M. DRAKE, SUPERVISOR

PRESENT: CLYDE M. DRAKE, SUPERVISOR
JAMES M. KREZMIEN, COUNCILMAN
KENNETH D. ZITTEL, COUNCILMAN
WILLIAM F. SNYDER, III, COUNCILMAN
PHILIP DROZD, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
DENNIS DAINS, Hwy Supt.
BRIAN F. ATTEA, Town Attorney
CAROLYN ROBINSON, Dog Control Officer
GEORGE DONHAUSER, Planning Board

RICH PLACE, Springville Times COLLEEN MAHONEY, Springville Journal
JOHN MIESS MARY JANE MIESS
DEBBIE HAURI LINDA MEYER

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1. APPROVAL OF MINUTES

a) Work Session – 7/12/18 – Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) Town Board Meeting – 7/12/2018 – Motion by Councilman Drozd, seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

c) Special Town Board Meeting – 7/19/2018 – Motion by Councilman Krezmien, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #2. PUBLIC COMMENT

Supervisor Drake opened the floor for Public Comment. DCO Robinson advised that potholes on Trevett Road had been repaired.

No one else wished to address the Board. Motion by Councilman Krezmien, seconded by Councilman Zittel, to close Public Comment. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #3. MONTHLY REPORTS

Motion by Councilman Krezmien, seconded by Councilman Snyder, to approve the Monthly Reports, Items a-h. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake voting aye. Carried.

- a) Code Enforcement Officer – July 2018
- b) Dog Control Officer – July 2018
- c) Town Supervisor Report – June 2018
- d) Town Clerk Report – July 2018
- e) Judge Gibbin Report – June 2018
- f) Judge Frank Report – June 2018
- g) Van Report – June 2018
- h) Van Report – July 2018

i) Highway Report – Hwy Supt Dains reviewed his filed report. Hwy Supt Dains discussed the following with the Board:

(1) Hwy Supt Dains brought the Board up to date on the sale of the old Senior Van with Auctions International. Bidding closed at 6 p.m. The awarded bid price was \$2,600. This sale will need to be approved by the Board before Auctions International can generate an invoice. Supervisor Drake will add this to the Agenda under New Business.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to accept the Highway Report. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

j) Fire Department Report – Councilman Drozd, board liaison to the Springville Vol Fire Co. reported that both the Springville Vol Fire Co. and East Concord Fire Department had events since the last Board meeting. The Springville Vol Fire Co. partnered with the All-Class Reunion for their Fire Trucks & Food Trucks fundraiser. There was a lot of feedback for improvements for next year's event. The East Concord Fire Department had their tractor pull. Councilman Zittel said the event went very well. Mortons Corners Vol Fire Department will be having their Sportsman Raffle in September.

Motion by Councilman Zittel, seconded by Councilman Krezmien, to accept the Fire Department Report. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #4: OLD BUSINESS

There was nothing for Old Business. Supervisor Drake advised that the Franchise Agreement is still being worked on.

ITEM #5: NEW BUSINESS

Supervisor Drake asked the Board for a motion to add additional items to the Agenda: (g) Court Clerk Travel; (h) Kissing Bridge Sewer Agreement; (i) Kissing Bridge Water Agreement; (j) MDA Agreement; (k) Van-Auctions International bid; (l) School Tax Collection Stipends. Motion by Councilman Drozd, seconded by Councilman Zittel to add Agenda Items (g)-(l). Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

a) **Audit of the Bills** – Supervisor Drake stated that these bills were audited by Councilman Snyder, and reviewed by the Board.

General Fund A, abstract 8, bills 821-898; \$28,981.84
 General Fund B, abstract 8, bills 899-907; \$4,598.01
 Library Fund, abstract 8, bills 908-910; \$502.16
 Fire Protection, abstract 8, NONE
 Joint Van, abstract 8, bills 911-913; \$779.18
 Joint Youth, abstract 8, bill 914; \$874.98
 Craneridge Lighting, abstract 8, NONE
 Craneridge Sewer, abstract 8, bills 915-923; \$20,239.04
 Highway DA, abstract 8 NONE
 Highway DB, abstract 8, bills 924-939; \$119,382.88
 Kissing Bridge Water, abstract 8, bills 940-943; \$625.01
 Kissing Bridge Sewer, abstract 8, bills 944-946; \$2,769.00
 Trevett Rd. Water, abstract 8, NONE
 Cattaraugus St. Water, abstract 8, NONE
 Trust & Agency, abstract 8, bills 947-950; \$6,094.37
 Capital (HA) Craneridge Sewer, abstract 8, NONE
 Capital (HB) Land, abstract 8, NONE
 Capital (HD) Catt St, abstract 8, NONE
 Capital (HE) Sr. Ctr, abstract 8, NONE

Capital (HF) Hwy Equip, abstract 8, NONE
Capital (HG) Waste Study, abstract 8, NONE

Motion by Councilman Snyder, seconded by Councilman Krezmien, to approve the bills as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) **Resolution for Eric Anthony Campanella Eagle Scout** – Supervisor Drake had the pleasure of attending the Court of Honor for two Eagle Scout Eric Anthony Campanella and Jonathan Baker Smith. Their names will be added to the Eagle Scout plaque in the Town Hall foyer; the Town is very proud of their achievements. Supervisor Drake read the Resolution that each Eagle Scout received.

Councilman Krezmien moved the adoption of Resolution 7, seconded by Councilman Zittel:

Town of Concord Resolution honoring and congratulating
Eric Anthony Campanella for his achievement in earning the
Rank of Eagle Scout

WHEREAS, Eric Anthony Campanella, a member of Boy Scout Troop 524, has earned the required number of merit badges; and

WHEREAS, through diligence and hard work, he has planned, developed, and led a service project which demonstrated leadership and commitment to our community; and

WHEREAS, he has progressed through the ranks of Scouting from Tenderfoot, Second Class, First Class, Star, and Life to the highest rank, that of Eagle, where he has demonstrated the highest levels of citizenship, character, and personal fitness; and

THEREFORE, BE IT RESOLVED, that the Concord Town Board salutes and congratulates Eric Anthony Campanella for all his hard work and dedication in achieving a goal which is reached by six percent of the young men in the Scouting program, and in doing so, joins an elite group of local and national leaders and public servants.

Voting as follows:

Councilman Drozd	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Drake	Aye

The foregoing Resolution was thereupon declared duly adopted.

c) **Resolution for Jonathan Baker Smith Eagle Scout** –

Councilman Zittel moved the adoption of Resolution 8, seconded by Councilman Krezmien:

Town of Concord Resolution honoring and congratulating
Jonathan Baker Smith for his achievement in earning the
Rank of Eagle Scout

WHEREAS, Jonathan Baker Smith, a member of Boy Scout Troop 524, has earned the required number of merit badges; and

WHEREAS, through diligence and hard work, he has planned, developed, and led a service project which demonstrated leadership and commitment to our community; and

WHEREAS, he has progressed through the ranks of Scouting from Tenderfoot, Second Class, First Class, Star, and Life to the highest rank, that of Eagle, where he has demonstrated the highest levels of citizenship, character, and personal fitness; and

THEREFORE, BE IT RESOLVED, that the Concord Town Board salutes and congratulates Jonathan Baker Smith for all his hard work and dedication in achieving a goal which is reached by six percent of the young men in the Scouting program, and in doing so, joins an elite group of local and national leaders and public servants.

Voting as follows:

Councilman Drozd	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Drake	Aye

The foregoing Resolution was thereupon declared duly adopted.

d) **Set Dates for 2019 Budget Workshop** – Budget Workshop Sessions were set for Thursday, August 30, 2018; Tuesday, September 18, 2018 and Tuesday, September 25, 2018. The meeting time will be at 6 p.m. on these dates and the sessions will be held in the Conference Room. Town Clerk Schweikert will advertise these dates in the Springville Times and post on the Town’s website and Town Hall sign board.

e) **Nutrition Site Recreation Attendant** – Supervisor Drake advised that six applicants applied for the position and interviews were conducted; he was very impressed with the applicants so this was a tough position. The position has been offered to local resident Jeanette Cordaro. Motion by Councilman Zittel, seconded by Councilman Drozd, to appoint Jeanette Cordaro to the part time position of Nutrition Site Recreation Attendant, effective Monday, August 13, 2018, at the six month probationary period rate of \$10.40/hour. Upon satisfactory completion of the probationary period, the rate will be increased to \$12.44/hour. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

The Board discussed the probationary rate of 80% and the New York State hourly minimum wage. This will need to be addressed during the budget process. Councilman Drozd felt that the probationary rate language should state 80% of the pay or at least the minimum wage amount.

f) **Resolution re: Comprehensive Plan** - The Town has been working on the Comprehensive Plan and need to have one more public hearing which qualifies the SEQR and designates the Town as SEQR Lead Agency and authorizes Wendel to begin the SEQR coordinated process and to complete referral to Erie County Planning & Development. Supervisor Drake read the Resolution. This will be our fourth public meeting on this Comprehensive Plan so there should not be a lot of new ideas to come forward but if there are, the Town can still address them. The draft Comprehensive Plan is already on the Town’s website. The Public Hearing will be held on Thursday, September 13th at 6 p.m. Town Clerk Schweikert will advertise the Public Hearing in the Springville Times and post on the Town’s website and Town Hall sign board.

Councilman Zittel moved the adoption of Resolution 9, seconded by Councilman Krezmien:

WHEREAS, the Town of Concord has worked diligently in preparing a Comprehensive Plan Update for the Town; and

WHEREAS, through the coordinated actions of the Comprehensive Plan Committee, Erie County, the Concord Town Board, and other Town employees, and through the input of Town residents and businesses, the Town has completed a Draft Comprehensive Plan Update; and

WHEREAS the Town of Concord has determined this Draft Comprehensive Plan Update is sufficiently complete for official agency input, and continued public review and input, and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law, the Concord Town Board would like to begin the environmental review process of the Comprehensive Plan Update by conducting a coordinated review and requesting Lead Agency status; and

WHEREAS, the potential adoption of a Comprehensive Plan requires referral to the Erie County Planning Department and the holding of a public hearing.

NOW, THEREFORE BE IT RESOLVED, that the Concord Town Board accepts the draft of the Comprehensive Plan Update as complete and ready for public review and requests designation as the SEQR Lead Agency, in accordance with the SEQR regulations, for the purposes of conducting a Coordinated Review of this action; and

BE IT FURTHER RESOLVED, that the Town of Concord authorizes Wendel, to begin the SEQR coordinated process and to complete referral to Erie County Planning; and

BE IT FURTHER RESOLVED, that the Concord Town Board directs that a public hearing be held, in accordance with New York State Town Law, on September 13, 2018 at 6:00 p.m. at the Concord Town Hall to solicit comments on the draft Comprehensive Plan Update, and

BE IT FINALLY RESOLVED, that copies of the document be made available for public review at the Town Hall and on the Town’s website.

Voting as follows:

Councilman Drozd	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Drake	Aye

The foregoing Resolution was thereupon declared duly adopted.

g) **Court Clerk Travel** – Court Clerk Roth submitted her written request to attend the New York State Court Clerk’s Association conference in Lake Placid, New York, on September 17-19, 2018. This conference was suggested to Court Clerks at the Houghton training. The cost of the Conference is approximately \$600-\$650; however, Court Clerk Roth received a scholarship to attend the conference so the cost to the Town would be estimated at \$200. Motion by Councilman Krezmien, seconded by Councilman Drozd, to permit Court Clerk Roth to attend the conference. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

h) **MDA Consulting Engineers Agreement** – Supervisor Drake explained that the person the Town had previously gave up the position and this person held the license for Kissing Bridge Sewer. People who hold this license are in high demand and there are not a lot of them in the area. The Town followed up with every lead received without much luck. For the past couple of years MDA Consultants handled Craneridge Sewer. MDA has been working with the Town since January on this. Since January MDA has given the Town three months of working with the Town for nothing on this agreement. This Agreement covers the period April 1, 2018 to December 31, 2018 and then the Agreement would need to be renewed. For their services and providing the licensed sewer operator, the compensation is \$2,500/month which is a little more than what the Town was paying when the Town had their own licensed person there but a lot less than any DEC violation fines. Supervisor Drake met with Rich Fanelli, President of Kissing Bridge and will be meeting with him again to get resolution. Motion by

Councilman Drozd, seconded by Councilman Zittel, to authorize Supervisor Drake to sign the MDA Management Services Agreement. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

i) **Kissing Bridge Water Agreement** – Supervisor Drake informed the Board that when he got into the office and started reviewing this Agreement, he realized that the Agreement had not been renewed for decades (1993). This is an attempt to put something in writing with Kissing Bridge so responsibilities are detailed. The Town has been working with Kissing Bridge and MDA Consulting Engineers on this renewal. The good news is that for the water and sewer, the Town was paying \$1,550/month to pay for their person to try to do it, work on the sewer and the electric to run the sewer plant and the water plant. The Town asked Kissing Bridge to justify that amount and the sewer is now at \$600/month and the water at \$135/month. There will be a savings here to offset the MDA Agreement charges. Kissing Bridge has not yet signed this Agreement. Kissing Bridge came up with the dollar amounts utilized. Kissing Bridge has not seen the Agreement yet so if revisions need to be made, it will come back to the Board.

Councilman Snyder questioned the DIG SAFE clause. The Sewer Agreement has this language and the Water Agreement does not. Discussion. Town Attorney Attea will include the DIG SAFE clause in the Water Agreement.

Motion by Councilman Snyder, seconded by Councilman Zittel, to accept the Kissing Bridge Water Agreement with the addition of the DIG SAFE clause. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

j) **Kissing Bridge Sewer Agreement** – Motion by Councilman Snyder, seconded by Councilman Drozd, to accept the Kissing Bridge Sewer Agreement. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

k) **Old Senior Van** – This was discussed earlier this evening by Hwy Supt Dains. Auctions International closed the bidding at 6 p.m. and the awarded bid amount was \$2,600. Motion by Councilman Krezmien, second by Councilman Zittel, to authorize Auctions International to proceed with the winning bid of \$2,600 for the old Senior Van. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Hwy Supt Dains will notify Auctions International.

l) **School Tax Collection Stipends** – At the July meeting, the Town passed the Intermunicipal Agreement with the school district to collect the school taxes. Now Supervisor Drake asked the Board to set stipend amounts for Town Clerk Schweikert and Deputy Town Clerk Bacon. This is done in recognition of the added responsibility and additional work load required to perform this task. Since this is the first year of the Agreement, no one is certain how much extra work will be involved so this stipend can be negotiated each year. These stipends will be paid in December at the time SGI pays the Town in accordance with the Agreement. Motion by Councilman Zittel, seconded by Councilman Drozd, to pay Town Clerk Schweikert a stipend of \$5,500 for the 2018-19 School Tax Collection. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Motion by Councilman Zittel, seconded by Councilman Drozd, to pay Deputy Town Clerk Bacon a stipend of \$2,500 for the 2018-19 School Tax Collection. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake noted that there was one item to be added to Consent Agenda: The Amvets Post No. 219 submitted the notification to the Town that the Post is renewing their New York State License to sell alcohol.

ITEM 6. EXECUTIVE SESSION

Motion by Councilman Drozd, seconded by Councilman Zittel, to go into Executive Session at 7:41 p.m. for the purpose of proposed litigation. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake invited Hwy Supt Dains into this Executive Session.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to come out of Executive Session at 7:53 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #7. CONSENT AGENDA

- a) Amvets Post No. 219 Liquor License Renewal

Motion by Councilman Zittel, seconded by Councilman Krezmien, to accept the Consent Agenda. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Eppolito, voting aye. Carried.

ITEM #8. COUNCILMAN NOTES

a) Supervisor Drake read an email he had received from Mark Meyerhofer, Director/Charter Communication, checking the status of the Franchise Agreement. The email stated that "In terms of recent developments with the Public Service Commission, Charter plans to continue operating and meeting the buildout obligations. For Chaise Road, this is still under review." Supervisor Drake noted that at a Supervisor's Meeting, he heard that one of the reasons why the Town is having trouble adding on missed roads to the buildout is that the PSC was not giving Charter Communications credit for doing it. The email also noted that Charter would like to make it clear that they expect to continue operating and service their clients in the State of New York for many years to come. They believe they are in compliance with the build-out requirement that the state imposed on them in merger conditions and in fact have met many of their requirements well ahead of schedule. They will be vigorously defending themselves against these actions by the NY PSC. They intend to continue to serve their clients and fulfill the commitments associated with their contracts to provide service.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Krezmien, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 8:00 p.m. in memory of:

- Paul W. Fornes
- Harry Frank Buskey
- Mary A. Babbitt
- Jeffrey Raiber



Darlene G. Schweikert
Town Clerk