

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

December 13, 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
KELLEN M QUIGLEY, Springville Times
COLLEEN MAHONEY, Springville Journal
MARY JAME MIESS JOHN MIESS

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1. APPROVAL OF MINUTES

- a) Public Hearing-Local Law #2 of 2018 – 11/8/18 - 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 – 11/8/2018 – Motion by Councilman Zittel, 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.

- a) John and Mary Jane Miess thanked the Board, Town Attorney Attea, Hwy Supt Dains and Town Clerk Schweikert for all that they do for the people of the Town of Concord and gave each a box of candy. It is their way of saying thanks for a thank-less job. Thank you Mr. and Mrs. Miess.
- b) DCO Robinson advised that Erie County patched Trevett Road and she thanked the Town for contacting Erie County representatives to get the road fixed.
- c) George Donhauser had a few questions with this month's Abstract; one of which was a mileage voucher when he felt payment should've been mailed and saved the Town money. Mr. Donhauser will meet with Supervisor Drake to review his concerns.

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 Zittel, to approve the Monthly Reports, Items a-g. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake voting aye. Carried.

- a) Code Enforcement Officer – November 2018
- b) Dog Control Officer – November 2018
- c) Town Clerk Report – November 2018
- d) Supervisor Report – October 2018
- e) Van Report – October 2018
- f) Judge Gibbin Report – October 2018
- g) Judge Frank Report – October 2018
- h) Highway Report – Hwy Supt Dains read his filed report. Hwy Supt

Dains additionally discussed the following with the Board:

1) The Town will not be fixing mailboxes knocked down by the snow; if there is damage to the mailbox by the plow, he will consider it. It is a privilege to have your mailbox in the right of way and the Town is not responsible for maintaining them.

2) The night shift will begin on Sunday, December 16th. There will be two men with a part-time MEO if needed on nights. On days, there will be two full-time MEOs and two part-time MEOs. The department is a man down. Erie County Highway will be starting their second shift the beginning of January 2019.

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

i) Fire Department Report – Councilman Drozd, board liaison to the Springville Vol Fire Co., reported that the company has been pretty quiet this month. Hwy Supt Dains advised that he thought he had stepped down from being the Chief position but missed it and will be returning as First Assistant Chief in Springville. Councilman Drozd will be the Vice President.

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

a) Comprehensive Plan -- This matter had been tabled at the November 8, 2018 meeting. Motion by Councilman Snyder seconded by Councilman Zittel, to bring this matter back up at tonight's meeting. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake advised that the Board held a work session on November 13th and reviewed the Plan after the November meeting and the Plan has been updated. Supervisor Drake asked for a motion to accept the 2018 Town of Concord Comprehensive Plan.

Councilman Zittel moved the adoption of Resolution 15, seconded by Councilman Snyder:

Acceptance of the 2018 Town of Concord
Comprehensive Plan Update

WHEREAS, the Town Board and its consultant Wendel, have worked diligently in preparing the 2018 Comprehensive Plan Update for the Town of Concord; and

WHEREAS, through the coordinated actions of the Concord Comprehensive Plan Committee, the Concord Town Board, Wendel, Town departments, Town staff, and the

citizens of the Town of Concord, the Town has completed the 2018 Comprehensive Plan update in accordance with Section 272-a of New York State Town Law; and

WHEREAS, the Town Board, reviewed the draft documents and directed updates of the Plan in response to input received; and

WHEREAS, the Town Board held a public hearing on September 13th, 2018, to solicit final comments on the draft Plan Update and further revisions were made.

NOW, THEREFORE, BE IT RESOLVED, that the Concord Town Board hereby accepts the document titled, "2018 Town of Concord Comprehensive Plan Update," as the Town's Comprehensive Plan; and

BE IT FINALLY RESOLVED, that a copy of the Comprehensive Plan Update be filed in the Office of the Concord Town Clerk.

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

The foregoing resolution was thereupon declared duly adopted.

Supervisor Drake stated that the Town's website has been updated and now contains the 2018 Town of Concord Comprehensive Plan Update.

ITEM #5: NEW BUSINESS

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

General Fund A, abstract 12, bills 1361-1447 & 1504-1507; \$93,301.70
 General Fund B, abstract 12, bills 1448-1454; \$2,657.35
 Library Fund, abstract 12, bills 1455-1457; \$510.19
 Fire Protection, abstract 12, NONE
 Joint Van, abstract 12, bills 1458-1462; \$5,494.70
 Joint Youth, abstract 12, bills 1463-1465; \$5,445.69
 Craneridge Lighting, abstract 12, bill 1466; \$1,680.81
 Craneridge Sewer, abstract 12, bills 1467-1477; \$7,754.27
 Highway DA, abstract 12, NONE
 Highway DB, abstract 12, bills 1478-1498; \$79,795.09
 Kissing Bridge Water, abstract 12, bills 1499-1500; \$146.00
 Kissing Bridge Sewer, abstract 12, bills 1501-1503; \$3,246.00
 Trevett Rd. Water, abstract 12, NONE
 Cattaraugus St. Water, abstract 12, NONE
 Trust & Agency, abstract 12, NONE
 Capital (HA) Craneridge Sewer, abstract 12, NONE
 Capital (HB) Land, abstract 12, NONE
 Capital (HD) Catt St, abstract 12, NONE
 Capital (HE) Sr. Ctr, abstract 12, NONE
 Capital (HF) Hwy Equip, abstract 12, NONE
 Capital (HG) Waste Study, abstract 12, NONE

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

b) **Resolution for Robert V. Rosenswie, Jr.** - Supervisor Drake asked for a motion to table this Resolution for the January meeting at the request of the family so that the family can be in attendance. Motion by Councilman Krezmien, seconded by Councilman Zittel, to table the Resolution for Robert V. Rosenswie, Jr., for the January

meeting. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

c) SPCA Agreement – The Town received an updated Agreement from the SPCA. Dog Control Officer Robinson is not happy with some of the language but really sees no alternative. She feels it is unnecessary for the SPCA to come inspect her kennel since NYS has been inspecting it annually for the last 17 years; an inspection by the SPCA is a waste of their resources but the SPCA feels it is necessary. DCO Robinson also feels it unnecessary that she attend an 8-hour SPCA training session. She really is controlled by the laws of the State of New York; however, she will be happy to attend their training session. Supervisor Drake agrees with her comments but really sees no other option. DCO Robinson noted that if she became more active in social media, she might be able to place the dogs that way but the liability if she were to misjudge the character of the dog, could reflect badly on the Town. The dogs she takes to the SPCA, they judge the character of the dog and the burden is not on the Town. DCO Robinson believes that continuing the SPCA Contract is a necessary part of dog control. Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the Agreement with the SPCA and authorize Supervisor Drake to sign the Agreement for 2019. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

d) Appoint Lawrence Crawley as Senior Center Plow Driver - Supervisor Drake advised the Highway Department is still a man down. Supervisor Drake had Hwy Supt Dains reach out to Lawrence Crawley to see if he would be able to plow at the Senior Center like he did last year. If the plowing is something that Hwy Supt Dains can't fit into his schedule at that time, he will contact Mr. Crawley. The time card will be monitored at the Highway garage time clock. Mr. Crawley will use the Highway Department's 410 to plow the Senior Center. At last month's meeting Mr. Cordaro was hired to snow blow the sidewalks at the Senior Center. George Donhauser asked if this new employee would be drug tested prior to his employment per the Town Code since he will be using a piece of the Town's equipment. Hwy Supt Dains will review this and will follow through if required. Motion by Councilman Krezmien, seconded by Councilman Zittel, to appoint Lawrence Crawley to the position of Laborer, effective December 14, 2018, at the rate of \$12.24 per hour. Mr. Crawley will plow the Senior Center parking lot. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

e) Nancy James Resignation – Nancy James submitted her letter of resignation to the Board for her StayFit Dining position at the Senior Center. She held this position for the last 18 years. Motion by Councilman Krezmien, seconded by Councilman Zittel, to accept the resignation of Nancy James, with regrets. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

f) Jeffrey Singleton Resignation – It came to the Board's attention that there was a conflict of interest if CEO Singleton is also the Town's Court Officer. It could give the image of impropriety if CEO Singleton were in Court for any ticket he may write as CEO for the Town. Jeffrey Singleton submitted his letter of resignation to the Board for his position as Town Court Officer. Motion by Councilman Snyder, seconded by Councilman Zittel, to accept the resignation of Jeffrey Singleton, with regrets. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

g) Appoint Jeffrey Singleton Constable – Jeffrey Singleton asked the Board if the title of Constable could be added to his CEO position so that he could keep his Peace Officer status. Supervisor Drake reviewed this with Town Atty Attea and the Board feels this could be done. Motion by Councilman Drozd, seconded by Councilman Zittel, to add the title of Town Constable to the Code Enforcement position. There will be no additional pay for this title. This will give CEO Singleton additional authority to enforce Town Codes. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

h) Appoint Bill Gugino to Concord IDA – Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the re-appointment of Bill Gugino to the Concord IDA. His term will now be January 2019 to December 2023. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

i) Appoint Lawrence Kelly to Planning Board – Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the re-appointment of Lawrence Kelly to the Concord Planning Board. His term will now be January 2019 to December 2025. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

j) Mobile Home Court Renewal – Motion by Councilman Zittel, seconded by Councilman Krezmien, to approve the renewal of the Perkins Mobile Home Court with the condition that the inspection of the premises will take place in April 2019. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. The North Street Mobile Home Court has not yet submitted their renewal to the Town Clerk.

k) Set Organizational Meeting date – Supervisor Drake would like to set the Organizational Meeting for Wednesday, January 9, 2019 at 6:30 p.m. and the regular Town Board Meeting to follow at approximately 7:00 p.m. There will be no Town Board Meeting on Thursday, January 10, 2019. Motion by Councilman Zittel, seconded by Councilman Krezmien, to schedule the Organizational Meeting for Wednesday, January 9, 2019 at 6:30 p.m. with the regular Town Board Meeting to follow at approximately 7:00 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Town Clerk Schweikert will send Notice to the Springville Times and also put the Notice on the Town's website and signboard.

l) School Tax Revenue Acceptance – The Town has received the funds from Springville Griffith Institute for the collection of the school taxes. Since the agreement with the school to collect the taxes was not completed until after the 2018 Town Budget was adopted, Bookkeeper Ciszak needs a motion for budget entries.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to authorize the following budget entries:

Debit to Revenue Account A1232 for \$8,000
Credit to Appropriation Account A1330.1 for \$8,000

Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

m) School Tax Stipend Payment – Supervisor Drake advised that even though the stipends for the school tax collection were approved at the August Board meeting, the Bookkeeper requests the Board authorize the payment of these stipends. Motion by Councilman Zittel, seconded by Councilman Drozd, to authorize payment of the stipends for Town Clerk Schweikert in the amount of \$5,500.00 and for Deputy Town Clerk Bacon in the amount of \$2,500.00. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake stated that everyone he talked to thought that the Town collecting the school taxes was a great success. The Board thanked Town Clerk Schweikert and Deputy Town Clerk Bacon for their efforts in the collection. Town Clerk Schweikert reported that the collection went well once the process got started. Town Clerk Schweikert informed the Board that she is working with the school district to finalize the collection. The settlement with both Cattaraugus County and Erie County has been completed. Mrs. Miess noted that it was nice to be able to pay the tax locally. Councilman Drozd said this was a win-win for both the Town and the School.

n) KB Sewer Agreement – This is the Agreement with MDA Consulting Engineers for Kissing Bridge Sewer for 2019. There is a \$1,200 increase from the 2018 Agreement but Supervisor Drake has no doubt in his mind that a much better job was done in 2018 than in 2017. The Town has received compliments from both NYS and the

DEC; it's much cleaner and progress is being made. There was no other wording change in the Agreement; just the dollar amount. Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the 2019 MDA Consulting Engineers Kissing Bridge Sewer Agreement and authorize Supervisor Drake to sign the Agreement. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

o) Craneridge Sewer Agreement – This is the Agreement with MDA Consulting Engineers for Craneridge Sewer for 2019. There is a \$1,800 increase from the 2018 Agreement. The reason for the increase is that more time is being spent working on the pump station and well as an increase in wages. Supervisor Drake noted that this Agreement is similar to the SPCA Agreement in that there is not a better option available to the Town. The Town pays MDA Consulting Engineers and then MDA pays the employees that do the work. Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the 2019 MDA Consulting Engineers Craneridge Sewer Agreement and authorize Supervisor Drake to sign the Agreement. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake had an additional to be made to the Agenda. This would be (p) to appoint the new Court Officer. Motion by Councilman Krezmien, seconded by Councilman Drozd, to add (p) Appoint Court Officer to the Agenda. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

p) Appoint Court Officer – The position was advertised in the Springville Times and there were two applicants. The Court conducted interviews of the two candidates; John Hilliard, Jr., is currently a Court Officer in the Town of Hamburg, a reserve Sheriff's deputy, a firearm's trainer and looks like a good fit for our Town. Motion by Councilman Zittel, seconded by Councilman Drozd, to appoint John L. Hillard, Jr., to the position of Court Officer at a probationary rate of \$14.10 per hour. This rate will increase to \$17.63 after the six-month probationary period. This appointment is effective December 13, 2018. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM 6. EXECUTIVE SESSION

There was no Executive Session.

ITEM #7. CONSENT AGENDA

There was nothing for Consent Agenda

ITEM #8. COUNCILMAN NOTES

a) Councilman Snyder attended an SYI meeting. SYI combined with the Boys & Girls Club and are still working out some of the details of that merger but overall this is a good thing for the Town. The Club wanted Councilman Snyder to share their compliments of Park Supt Schweikert for his really great work at the Park this summer. The Club is also looking into trying to write a grant and would like the Town's support. Councilman Snyder will work with the Club to see how the Town could assist in this regard.

b) Councilman Drozd attended the Library Board Meeting last week. Starting January 1st, 2019, new Librarian Jennifer Morris has changed the hours of the library: Monday 12 noon -7 p.m.; Tuesday 10 a.m. – 6 p.m.; Wednesday 12 noon – 7 p.m.; Thursday 10 a.m. – 6 p.m.; Friday Closed; Saturday 10 a.m. – 3 p.m.; Sunday Closed. These will be yearlong hours. Librarian Morris has done quite a bit of research on circulation times and feels that these hours will better suit our community.

The Library Board also voted to have Trustee Bob Adler, who is a licensed electrician, set up a Building Committee with Mr. Adler is the Chairman and only member on it. Librarian Morris is preparing a General Maintenance Checklist for the library which will track when batteries need to be changed; regular scheduled maintenance of the drinking fountains; painting needs. This will assist the Custodian in

his capacity. The building is owned by the Town of Concord. At some point there will need to be discussion to clarify the building ownership and responsibility of the Town vs. what the Library Board can do. The Custodian there now is also a painter by trade and has said that he would paint as part of his regular duties at the library. The Hulbert Library is now 25 years old. The library now has a gentleman versed in Building Maintenance and a Custodian who is willing to step up and do a little bit more. Councilman Drozd feels this is a good choice.

c) Councilman Zittel thanked everyone for their work throughout the year and wished everyone a Merry Christmas and Happy New Year.

d) Councilman Krezmien wanted to share a thought on the Craneridge Sewer Agreement. The Town is looking at a price increase but also the Town is getting some expert supervision. He feels what we pay in operation will not be paid in fines. If there was one spill, the amount of fines would be more than the increase in the Agreement. This is money well spent. MDA Consulting Engineers have done an excellent job there.

e) Supervisor Drake attended a celebration at the Senior Center earlier today. Resident Bill Pabst had submitted a request to the Senior Wish program asking for a new grinder. This program does a lot with Veterans. Senior Wishes enriches the lives of deserving seniors by granting them a meaningful wish. The goal of the program is to honor and recognize the lifelong contributions of Seniors and promote their quality of life by granting them a wish that brings them joy. Mr. Pabst had his wish granted!

f) Supervisor Drake advised that the lights at the Senior Center are on 24/7. There is a problem with the contact box and somehow the trigger on is working but the trigger off is not. A quote is being obtained for this repair. The other option is a manual on/off to make it work.

g) Supervisor Drake informed the Board that Erie County Budget passed their budget. Legislator Mills put \$5,000 in the budget for the Concord Community Park and it survived the budget process. The Town should have the money by May 2019. Supervisor Drake publicly thanked Legislator Mills for his work on obtaining this money for Community Park and to make it stay through the budget process.

h) Supervisor Drake wished everyone a Merry Christmas and Happy New Year. He does appreciate everyone's work.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Krezmien, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 7:47 p.m.

Betsy W. Decker
Raymond P. Gentner
Roger (Rick) Atkinson
Vincent Guenther

Darlene G. Schweikert

Darlene G. Schweikert
Town Clerk