

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

February 8, 2018

MEETING CALLED TO ORDER BY CLYDE M. DRAKE, SUPERVISOR,  
at 7:00 p.m.

ROLL CALL:

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

EXCUSED: WILLIAM F. SNYDER, III, 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  
MITCH MARTIN, Senator Gallivan Office

JOHN MIESS  
LIA OPREA  
KARIN CHEMAN  
MARK HEBDON  
SETH WOCHENSKY

MARY JANE MIESS  
JUDY WRIGHT  
MICHAEL CHEMAN  
RICH PLACE, Springville Times

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1. APPROVAL OF MINUTES

a) Organizational Meeting 1/4/2018 - Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

b) Town Board Meeting – 1/4/2018 - Motion by Councilman Zittel, seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

c) Special Town Board Meeting – 1/18/2018 - Motion by Councilman Drozd, seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

Supervisor Drake asked the Board for a motion to add to the Agenda the Fuel Bid Opening Minutes to Item #1(d) and awarding the Fuel Bid to Item #5(m). Motion by Councilman Krezmien, seconded by Councilman Zittel, to add the above Items to the Agenda. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

d) Fuel Bid Opening – 2/5/2018 - Motion by Councilman Zittel, seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried

ITEM #2. PUBLIC COMMENT

Supervisor Drake opened the floor for Public Comment.

a) Mary Jane Miess addressed the Board. (1) Congratulated Dennis Dains on his Outstanding Service Award for the fire department; his service is truly appreciated. Hwy Supt Dains thanked Mrs. Miess. (2) Congratulated Darlene Schweikert and her husband for their participation in their Ironman challenges; such a great role model. Town Clerk Schweikert thanked Mrs. Miess. (3) Thanked the Board for their willingness to partner with community representatives for the benefit of the citizens.

b) Lia Oprea addressed the Board with regard to the possible expansion of commercialization along the west side of Zoar Valley Road as being discussed by the Planning Commission. She lives in Sardinia but is interested in moving to Springville. She asks that the Board look very carefully at this matter. She is drawn into towards Springville and when she comes down Route 219, it is not a very beautiful way to enter our Town and it is not what Springville is all about. What she sees is several store fronts already existing along Cascade Drive that are empty and the west side of Route 219 what she sees is Zoar Valley Road, Spooner Creek going into Cattaraugus Creek, beautiful woodlands. Just because of her great-grandfather Harold Olmsted who was a landscape architect, this year she is very interested in the fact that it is the 150<sup>th</sup> anniversary of Frederick Law Olmsted coming to Buffalo and designing what he ended up calling the public parks and parkway systems as the best planned city in the world. She urged the Town in their planning not to focus on the industrialization or commercialization but to focus on what people come to Springville for. There are two charging stations now and they can come into town, walk around town, spending money. It is a walkable area. It's beautiful. There are also businesses, many restaurants already in existence in town here. Let's bring people in to town rather than doing what everyone else is doing with strip malls along the highway. If we can think along the way of Frederick Law Olmsted's best planned city in the world to preserve our green space and by doing so Spooner Creek, Cattaraugus Creek-taking care of those areas for the sportsmen we have and the bikers we have and Rails to Trails; rather than create urban sprawl. That is why she would be moving to Springville from Sardinia.

c) Seth Wochensky addressed the Board also commenting on the Master Plan's proposed expansion possible of the Village and a rezoning of the land along Zoar Valley Road to commercial/industrial. He is opposed to that; he thinks it is sprawl; and does not believe it serves the residents of the town and village; there is still a lot of room for development along the existing commercial corridor. From an emotional standpoint, he hates to see that land turned over. Mr. Wochensky thanked the Board for the opportunity to give comment. He apologized that he has to leave the meeting but is double booked tonight but appreciates the opportunity and means no disrespect if he leaves right away. (Mr. Wochensky left the meeting at 7:15 p.m.)

d) Judy Wright addressed the Board. She owns land on both sides of Spooner Creek and has concerns about the Town's intention as far as commercialization of that strip. She has a problem with it being turned over from Town to Village as far as taxes. She has a real concern that the creek is going to be affected; the DEC is very vigilant about watching the creek as a protected trout stream. When commercialization or industrialization comes in, it is going to affect the land that is already there; there will be run-off/salt changing the dynamics. The people that have the land down there (Hebdon, Raber) we love the land; it is a unique spot. It is something that she wants to leave her grandchildren and great-grandchildren. When people come in, they can drive through this beautiful area and see in the Fall how beautiful it is here. She doesn't know if the Town's intent was to just keep this at the top along the Zoar Valley exit road but anything that you do along that roadway is going to affect the landowners. The people that have the land, they hunt, they fish and if it is turned into Village, there goes their hunting. She would hope that the Town will have the foresight to realize what a gem we have in that area and not to doing anything to contaminate the area. She also noted that as you go along Cascade Drive, there are businesses that have been empty for years and now with the expressway cutting through and continuing on, it is not like people are stopping off here. She would like the Town to be concerned with what is already here and to things that we can do to keep the businesses that are here vibrant.

Supervisor Drake informed those who spoke that he will take their concerns to the Comprehensive Plan Committee. Nothing has been finalized yet. Supervisor Drake thanked them for their comments.

e) Mark Hebdon also addressed the Board in opposition to any rezoning of Zoar Valley Road. His family owns a considerable amount of property along the access road and didn't know anything about this until Judy Wright brought it to his attention. His family uses the property for hunting, cutting firewood. If the property was annexed to the Village, how would that affect how they could use their land? And then those parcels would have Village taxes so his taxes would increase. Councilman Krezmien advised Mr. Hebdon that a parcel cannot be annexed to the Village until the property owner petitions the Village. The property owner has complete control over that.

f) Mitch Martin, Senator Gallivan's Office representative, congratulated Supervisor Drake and the other recently elected officials. He is just here tonight to show that the Senator cares about our community.

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

### ITEM #3. MONTHLY REPORTS

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

- a) Code Enforcement Report – January 2018
- b) Dog Control Officer Report – January 2018
- c) Town Clerk Report – January 2018
- d) Judge Frank Report – December 2017
- e) Judge Gibbin – December 2017
- f) Senior Director Report – January 2018

g) Highway Report – Hwy Supt Dains apologized for missing last month's meeting. Hwy Supt Dains reviewed his filed report with the Board.

h) Fire Department Report – Hwy Supt Dains and Councilman Drozd reported that it has been busy. There have been 63 calls already for the year. Hwy Supt Dains stated that Mercy EMS is a godsend to the volunteers. There are two ALS units on duty based out of the hospital 24/7; there's a paramedic fly car is usually on from 9 a.m. to 9 p.m. They are doing a fantastic job in protecting the residents in Springville/Concord. Eventually there will be a helicopter station at the hospital.

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

### ITEM #4. OLD BUSINESS

There was nothing for Old Business.

### ITEM #5: NEW BUSINESS

a) **Appropriation Changes** – Supervisor Drake advised that Bookkeeper Ciszak requires a transfer of funds from General Fund A to the Joint Van account for the purchase of the new van in 2017.

(1) Authorize the increase in the transfer from General Fund A to Joint Van in the amount of \$25,000.00.

(2) Transfer of \$25,000.00 from A1990.4 Contingent to A6772.40 Van.

A voucher has been done on Abstract 15 for this transfer. The \$25,000.00 increase will be deposited into JV2351.1 Interfund Transfers.

(3) The remaining balance needed is \$4,600.00 that will come from the Unappropriated Fund Balance JV599. The entry will be:

A debit to JV599 for \$4,600.00  
A credit to JV6772.43 for \$4,600.00

Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the above Appropriation Changes. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

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

Year 2017 Abstract 15:

General Fund A, abstract 15, bills 1565-1571; \$30,780.61  
General Fund B, abstract 15, NONE  
Library Fund, abstract 15, bills 1572-1573; \$513.03  
Fire Protection, abstract 15, NONE  
Joint Van, abstract 15, NONE  
Joint Youth, abstract 15, bill 1574; \$234.63  
Craneridge Lighting, abstract 15, NONE  
Craneridge Sewer, abstract 15, bills 1575-1578; \$1,957.28  
Highway DA, abstract 15, NONE  
Highway DB, abstract 15, bill 1579; \$25.50  
Kissing Bridge Water, abstract 15, NONE  
Kissing Bridge Sewer, abstract 15, bill 1580; \$  
Trevett Rd. Water, abstract 15, NONE  
Cattaraugus St. Water, abstract 15, NONE  
Trust & Agency, abstract 15, NONE  
Capital (HA) C. Sewer, abstract 15, NONE  
Capital (HB) Land, abstract 15, NONE  
Capital (HD) Catt St, abstract 15, NONE  
Capital (HE) Sr. Ctr, abstract 15, NONE  
Capital (HF) Hwy Equip, abstract 15, NONE  
Capital (HG) Waste Study, abstract 15, NONE

Year 2018 Abstract 2:

General Fund A, abstract 2, bills 57 & 107 & 136-137; \$18,550.42  
General Fund B, abstract 2, bills 108-114; \$4,266.16  
Library Fund, abstract 2, bills 115-116; \$227.80  
Fire Protection, abstract 2, NONE  
Joint Van, abstract 2, bill 117; \$35.33  
Joint Youth, abstract 2, NONE  
Craneridge Lighting, abstract 2, NONE  
Craneridge Sewer, abstract 2, bills 118-119 & 138; \$1,409.28  
Highway DA, abstract 2, NONE  
Highway DB, abstract 2, bills 120-134; \$44,805.73  
Kissing Bridge Water, abstract 2, bill 135; \$92.60  
Kissing Bridge Sewer, abstract 2, NONE  
Trevett Rd. Water, abstract 2, NONE  
Cattaraugus St. Water, abstract 2, NONE  
Trust & Agency, abstract 2, NONE  
Capital (HA) C. Sewer, abstract 2, NONE  
Capital (HB) Land, abstract 2, 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

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

c) **Dog Control Officer Freezer** – DCO Robinson had an old freezer at the Highway Department that would be used carcasses of dogs that the DCO found. That freezer is not working anymore. This item is being mentioned tonight for awareness. The Town is looking for an old chest freezer for this purpose. There was discussion about putting this request on the Be Neighborly Springville Facebook page and what size chest she would need and the possibility of putting an ad in the Springville Times. DCO Robinson will check into getting some estimates on old freezers.

d) **Mowing/Cemeteries Proposals** – Supervisor Drake asked the Board to approval Request for Proposals for the lawn mowing of the cemeteries and the Senior Center. This would include mowing from Mother's Day to Labor Day, dependent on weather/mowing conditions. Motion made by Councilman Krezmien, seconded by Councilman Zittel, to allow Supervisor Drake to seek Request for Proposals for lawn mowing of the cemeteries and Senior Center. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

e) **2018 Junk Yards Permits** - Motion made by Councilman Krezmien, seconded by Councilman Zittel, to approve the following junkyard permits, as recommended by the Planning Board. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

1. Jordan's Salvage (Mary Ann Jordan)
2. Southern Tier Auto Center
3. Arthur P. King Auto Parts
4. Ronald Miller

f) **2018 Mining Permits** – Motion made by Councilman Zittel, seconded by Councilman Krezmien, to approve the following mining permits, as recommended by the Planning Board. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

1. McEwan Trucking
2. Schreiber & Winkelman
3. Joseph McCarthy
4. Gernatt Asphalt Products, Inc.:
  - a) Vaughn-Middle Road
  - b) Middle Road- DeWald
  - c) Snyder Road
  - d) Belscher Road
  - e) Vaughn Street – Watermans
  - f) Vaughn Street – Wendels
5. Cold Spring Construction
  - a) Sharp Street
  - b) Zoar Valley Road-South (Hoffman Pit)
6. Michael J. Hannon Landscaping & Excavation (Sarcon Farms)
7. Russo Development (Triple R Properties)

g) **Authorize Town Clerk to advertise for Dog Census** – Dog Control Officer Robinson advised the Board that she would like to resume dog census. Town Clerk Schweikert will put the Census Ad in the Springville Times and on the Town's website. Motion by Councilman Krezmien, seconded by Councilman Drozd, authorizing Dog Control Officer Robinson to resume dog census. Councilmen Krezmien, Zittel & Drozd; Supervisor Eppolito, voting aye; Councilman Snyder, excused. Carried.

**h) Morgan Nellis Appointment** – Supervisor Drake noted that there has been a change at the Senior Center for the person that has been helping us in the kitchen. Supervisor Drake asked for a motion to remove Susan Borst from the position of Recreation Attendant PT effective Monday, January 29, 2018. Motion by Councilman Krezmien, seconded by Councilman Zittel, to remove Susan Borst from the position of Recreation Attendant PT effective January 29, 2018. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

Supervisor Drake then asked for a motion to hire Morgan Nellis to fill the position of Recreation Attendant PT effective Tuesday, January 30, 2018, at the rate of \$10.40 for the six month probation and then to increase to \$11.00/hour. Motion by Councilman Krezmien, seconded Drozd, to appoint Morgan Nellis to the position of Recreation Attendant PT as above detailed. Councilman Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

**i) Cold War Exemption** – Supervisor Drake noted that the Public Hearing had been held earlier and no one had spoken in opposition. Supervisor Drake read the Resolution:

Adopt Local Law No. 2018-1 of the year 2018 - A Local Law to Amend the Taxation Law (Cold War Veteran's Exemption)

WHEREAS, by resolution (Resolution No. 2008-13) dated August 14, 2008, Local Law No.4 of the year 2008 of the Town of Concord, entitled "Cold War Veteran's Exemption" was adopted, and

WHEREAS, The Town Board has recommended that the Taxation Law be amended:

1. To amend Section 134-7 to eliminate the maximum period of 10 years for the exemption and allow the exemption for as long as the veteran owns the qualifying property in accordance with amended s.458-b of the Real Property Tax Law of the State of New York, and

WHEREAS, a draft of such amendment has been prepared by the Town, and

WHEREAS, in accordance with the provisions of the Town Law/Municipal Home Rule Law of the State of New York, a public hearing was held on the 8<sup>th</sup> day of February, 2018 at 6:45 P.M. at a meeting of the Town Board at the Concord Town Hall, 86 Franklin Street, Springville, New York; at which hearing all interested parties were given an opportunity to be heard as to whether Local Law Intro No. 2018-1 of the year 2018, entitled "A Local Law to Amend The Taxation Law" be adopted as such, and

WHEREAS, it is in the public interest to adopt the said local law, NOW, THEREFORE, BE IT

RESOLVED, that Local Law No. 1 of the Year 2018 entitled "A Local Law to Amend The Taxation Law" which is attached hereto and made part hereof, be and the same is hereby enacted, and BE IT FURTHER

RESOLVED, That Local Law No. 1 of the Year 2018, shall be effective immediately upon filing with the Secretary of State, and BE IT FURTHER

RESOLVED, that the Town Clerk shall file one (1) certified copy of this local law in her office, one (1) certified copy with the Secretary of State and one (1) certified copy with the New York State Office of Taxation and Finance.

Councilman Zittel moved the adoption of Resolution 1, seconded by Councilman Drozd:

Local Law No. 2018-1

A Local Law to Amend the Taxation Law

Amend the following sections of the Taxation Law of the Town of Concord

- 1. To Amend Section 134-7 to eliminate the maximum period of 10 years for the "Cold War Veteran's Exemption" and allow the "Cold War Veteran's Exemption" for as long as the veteran owns the qualifying property in accordance with amended s.458-b of the Real Property Tax Law of the State of New York.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

j) **IDA General Counsel** – Supervisor Drake had received a letter from the Concord IDA General Counsel asking for the reappointment of Nathan S. Neill for the Year 2018. Motion by Councilman Zittel , seconded by Councilman Drozd, to reappoint Nathan S. Neil as Concord IDA General Counsel for the Year 2018. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

k) **Empire Bank Trustee Change** – Supervisor Drake is in the process of trying to update the names on the account. This account is the Length of Service Award Program for the fire departments. Supervisor Drake stated that what this will accomplish is to update the record to put his name as Supervisor and Councilman Krezmien as Deputy Supervisor so that they can sign documents.

Service Award Trust Title      Town of Concord SAT  
86 Franklin Street, Springville, NY 14141

The Undersigned Trustees of the Town of Concord SAT hereby certifies that he following resolutions were duly adopted by the Board of Trustees on the 8<sup>th</sup> day of February, 2018, and that such resolutions have not been modified or rescinded as of the date thereof.

Councilman Zittel moved the adoption of Resolution 2, seconded by Councilman Drozd:

RESOLVED, that the Board of Trustees, as listed below, constitute the trustees of the "Service Award Trust" and are authorized signers for the aforementioned Service Award Trust.

Clyde M. Drake, Supervisor  
James M. Krezmien, Councilman/Deputy Supervisor

RESOLVED, that the Trustees of the "Service Award Trust" authorize that Empire National Bank make periodic automatic payments to pay the entitlement award to eligible participants. The direct payments have been authorized by the entitlement and such authorization is maintained in our files. These payments will not change and will continue until instructed otherwise by the Trustees.

RESOLVED, that the payments will be drawn from a "Service Award Trust" account maintained at Empire National Bank.

## FOR AUTOMATIC PAYMENTS AND FOR CHECK PAYMENTS

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

l) **Old Van Declare Surplus** – Supervisor Drake and Town Clerk Schweikert reviewed this matter and found that a motion was made in October 2017 to send the old Senior Van to auction. Supervisor Drake asked the Board if they wanted to send it to auction or did they want to declare it obsolete and try to get rid of the van locally? The Town uses Auctions International for auction purposes; Hwy Supt Dains explained this process. Auctions International receives a 10% commission. The Board confirmed their October 2017 motion to proceed with sending the van to auction. Hwy Supt Dains will take the lead on this matter.

m) **Fuel Bid** – Two fuel bids had been received from NOCO Energy Corporation and Crabb Energy Products. Hwy Supt Dains reviewed the bids and gave the Board a copy of his recommendation to award the bid to Crabb Energy Products as they are the lowest bidder for mid-grade gasoline and both ULSD and ULSD Winter Blend. A non-collusion statement was received with the bid. Motion by Councilman Krezmien, seconded by Councilman Zittel, to award the fuel bid to Crabb Energy Products. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

ITEM #6. CONSENT AGENDA

There was nothing for Consent Agenda.

ITEM #7. COUNCILMAN NOTES

a) Councilman Drozd had attended the Library Board meeting and brought the members up to date:

(1) Bridgette Heintz has taken another position at the Grand Island Library. The Library Board is interviewing the candidates for her replacement.

(2) The newly elected officers for the Library Board for the year: Susan Fishbeck, President; Kara Kane, Vice President; Sue Putney, Treasurer; and Pam Bartkowski, Secretary.

(3) There are a couple openings on the Library Board. If anyone is interested, please contact Town Clerk Schweikert or Supervisor Drake. As a reminder, Supervisor Drake noted there are residency requirements and that the majority of the Library Board have to reside in the Town of Concord.

b) Councilman Zittel delivered the good news that the heat works outside the Senior Center and Councilman Krezmien advised that the lights are working too.

c) Supervisor Drake has been working with Mark Meyerhofer from Charter Communications (Spectrum). What he is hearing is that within the next two years, there will be over 1100 homes in the Town of Concord that will have broadband available. There is a website to lookup your address: [www.bldlkup.com](http://www.bldlkup.com). Hopefully it will be sooner rather than later.

d) Supervisor Drake advised that there will be employment ads in the Springville Times for the Parks Superintendent and Code Enforcement Officer. The Board will try to move quickly on these appointments so resumes are due by Tuesday, February 20, 2018.

ITEM #8.      MOTION TO ADJOURN

Motion by Councilman Krezmien, seconded by Councilman Drozd, and passed unanimously, to adjourn the meeting at 7:45 p.m. in memory of:

Paul (Digger) Gematt  
Janima M. Webster  
Fay A. Workley  
Walter W. Hofmann  
Robert F. Wolf

  
\_\_\_\_\_  
Darlene G. Schweikert  
Town Clerk

