

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

November 8, 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

KELLEN M QUIGLEY, Springville Times
COLLEEN MAHONEY, Springville Journal
GEORGE DONHAUSER JOE EDBAUER
ROBIN SION KARL SIMMETH, Assemblyman DiPietro Office
MARY JEAN MIESS JOHN MIESS
BART MOODY MARC ROMANOWSKI

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1. APPROVAL OF MINUTES

a) Special Town Board Meeting – 10/9/18 – Motion by Councilman Zittel, seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) Bid Opening re: Senior Center Generator – 10/10/18 – Motion by Councilman Snyder, seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

c) Public Hearing-Community Development Block Grant – 10/11/18 – Motion by Councilman Drozd, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

d) Public Hearing-2019 Preliminary Budget – 10/11/18 – Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

e) Town Board Meeting – 9/13/2018 – Motion by Councilman Zittel, seconded by Councilman Drozd, 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.

No one 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-e. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake voting aye. Carried.

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

Hwy Supt Dains additionally discussed the following with the Board:

1) Thanked Councilman Zittel for allowing the department to stockpile some of the asphalt millings at his property. These millings will be ready for road repair next Spring.

2) Belscher Road is now open to full traffic. This is exciting since plow season is right around the corner; it has been a nightmare the last few years to plow that road. The Town has maintained Belscher Road in the Winter under contract with Erie County for plowing and it has been tough the last four years. It is now open for two lane traffic.

3) Thanked Erie County Highway for what road work they have accomplished this year. They have done a lot; there is still a lot more to do on the County end but the East Concord Highway Department did a good job and did a lot of work completed in the County this year. He is thankful to that and will relay that to Legislator Mills when he sees him next.

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

k) Fire Department Report – Councilman Drozd, board liaison to the Springville Vol Fire Co., reported that the second phase of the United States Rural Development Grant that he did for the Springville Fire Company has been submitted; he spoke with the representative and the documents are being reviewed. This grant is for the parking lot at the West Main Street Hall for resurfacing. Hopefully they will hear something by the first of the year what the status is if the process continues.

Highway Supt Dains advised that the Springville Fire Company bought rescue struts; four sets now. The department just finished up training last week. This is very valuable equipment for auto accident rescue.

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.

ITEM #5: NEW BUSINESS

Supervisor Drake asked the Board for a motion to add three additional items to the Agenda: Under Monthly Reports (1) there is a Senior Center Report; under

New Business (f) the appointment of a seasonal laborer, (g) the resignation of the Bingo Inspector and (h) the appointment of the Bingo Inspector. Motion by Councilman Krezmien, seconded by Councilman Zittel, to add these items to the Agenda. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake moved back to 3(i) Senior Center Report and read the report. The report is attached to the Minutes.

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

General Fund A, abstract 11, bills 1228-1298 & 1351-1359; \$125,723.95
 General Fund B, abstract 11, bills 1299-1308; \$154,481.95
 Library Fund, abstract 11, bill 1309-1312; \$482.98
 Fire Protection, abstract 11, NONE
 Joint Van, abstract 11, bills 1313-1314; \$80.36
 Joint Youth, abstract 11, NONE
 Craneridge Lighting, abstract 11, NONE
 Craneridge Sewer, abstract 11, bills 1315-1319 & 1360; \$4,967.74
 Highway DA, abstract 11, NONE
 Highway DB, abstract 11, bills 1321-1347; \$28,468.05
 Kissing Bridge Water, abstract 11, bill 1348; \$40.00
 Kissing Bridge Sewer, abstract 11, bills 1349-1350; \$2,623.50
 Trevett Rd. Water, abstract 11, NONE
 Cattaraugus St. Water, abstract 11, NONE
 Trust & Agency, abstract 11, NONE
 Capital (HA) Craneridge Sewer, abstract 11, NONE
 Capital (HB) Land, abstract 11, NONE
 Capital (HD) Catt St, abstract 11, NONE
 Capital (HE) Sr. Ctr, abstract 11, NONE
 Capital (HF) Hwy Equip, abstract 11, NONE
 Capital (HG) Waste Study, abstract 11, NONE

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

b) **Resolution for Local Law #2 of 2018** - Supervisor Drake advised that this Law will give the Town the ability to go over the tax cap. This is not something that we take lightly and not something that the Town has ever done before but find ourselves in a situation where the reserve funds are in short supply and costs are going up. Supervisor Drake asked the Board for a resolution adopting Local Law No. 2 of the Year 2018.

Councilman Zittel moved the adoption of Resolution 12, seconded by Councilman Drozd:

**Local Law No. 2 of the Year 2018
 Town of Concord, County of Erie**

A local law to override the tax levy limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Concord to adopt a budget for the fiscal year commencing January 1, 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the

property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Concord, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2019 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Voting as follows:

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

The foregoing resolution was thereupon declared duly adopted.

c) **2019 Budget** – Supervisor Drake pointed out a couple of items. On the General Fund items there would be a 4% increase. The appropriations (what we plan on expending) in this budget have been reduced by \$80,000. The reason the tax is going up is because there is not enough unassigned fund balance left from prior years to throw at the tax rate and get it down. On a \$100,000 house, the 4% equates to \$16.46/year. At last month's meeting 6% was discussed and people may have taken their tax bill and thought the amount of 6% increase was significant. The Town portion is a very small percent of the County Tax bill; the other part of that bill is the Erie County tax which the Town does not have control over. Supervisor Drake stated that the Town does end up going over the tax cap. One reason this percent was decreased is because he worked with Mayor Krebs and Administrator Melock and we were able to see that instead of \$40,000 for the Control Center, it would be \$20,000. Supervisor Drake thanked Mayor Krebs and Administrator Melock for their efforts to clear this matter up. Supervisor Drake noted that that brings the General rate just at \$20,000 is 1.75%. The tax cap is at roughly 2% there is not much room to wiggle. Diesel is higher, salt contracts are higher than last year and the oil index is up and \$20,000 has been put in a building reserve fund. Our buildings are older and will be in need of repair. The Town does not want to go out and have to issue a bond for any repairs so if the Town can start putting a little away each year, we may be able to avoid that. No promises but that is the hope. Supervisor Drake feels that this is a responsible budget. Supervisor Drake asked the Board to approve the 2019 Budget as presented.

Councilman Zittel moved the adoption of Resolution 13, seconded by Councilman Krezmien:

WHEREAS, Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Times on October 5th, 2018. Said Notice of Public Hearing was also

posted on the Town of Concord website: townofconcordny.com and on the signboard at the Town Hall on October 1st, 2018;

WHEREAS, that the Town Board of the Town of Concord held a public hearing on Thursday, October 11th, 2018;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Concord does hereby adopt the 2019 Budget.

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) Comprehensive Plan – Supervisor Drake advised that the Board members had one more meeting on this to discuss the last issues that were brought up at the Public Hearing. The members had received copies of the updated Comprehensive Plan. Supervisor Drake noted that he spoke with the County, the Town Attorney and also Wendel on whether this Plan should be accepted or adopted. Most people don't see any issue with adopting it. The big fear from years ago was that if something was in the Plan, like a land use map and then everyone may try to hold you to that. This Plan has recommendations and options. Adopting may be stronger legally. The County advised that if the Town wants to pursue any Smart Growth Initiatives or even grants, that the Town would be in a better position if the Plan is adopted and not accepted but he is willing to listen to any discussion. Councilman Zittel questioned if the Plan could be adopted at any time. If the Plan were accepted tonight, and still want to do a little tweaking on it, could it be adopted at a later date? Discussion ensued between the Board Members and Town Attorney as to accepting, adopting, tweaking the Plan, and that the Comprehensive Committee put a lot of work into this Comprehensive Plan. Comprehensive Committee Member Sion addressed the Board noting that she actually has more questions than decisions right now. She has read the Plan from beginning to end and there were a ton of mistakes; there were a couple meetings, tried to change it; but she is uncomfortable seeing approval at this point. She would not be offended if the Town Board decided if they needed more time to discuss the Plan; not quite sure it is ready for adoption in her opinion. Town Attorney Attea advised the Board that the members should feel comfortable with the Plan that it should always be abided by. This is the Plan that guides development and future growth of the Town.

Supervisor Drake noted that this discussion sounds like the Board members are not ready to vote tonight. He doesn't think the Comprehensive Committee needs to meet again; it is between the Board members. Motion by Councilman Zittel, seconded by Councilman Drozd, to set a Work Session on the Comprehensive Plan for Tuesday, November 13, 2018 at 5:30 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd, Supervisor Drake, voting aye. Carried. Supervisor Drake informed the Board members to come to the Work Session with the parts of the Plan that they would like changed so the members can discuss. This was an Erie County grant and it is expected that the Town will have this completed this year. Ten grants were given and the Town is the last one to finish. Motion by Councilman Krezmien, seconded by Councilman Zittel, to table the Comprehensive Plan until the December meeting. Councilmen Krezmien, Zittel, Snyder & Drozd, Supervisor Drake, voting aye. Carried.

e) SEAF Concord Community Park – Supervisor Drake advised those in attendance that he has been working with Senator Gallivan and also Assemblyman DiPietro. They have come up with a \$150,000 to fix the concession stand building at Community Park. The money is earmarked for the Town so the Town has to follow all

the rules of DASNY (Dormitory Authority of the State of New York) and one of the steps is the SEQR. Engineer Alianello prepared the SEQR and provided a resolution giving Supervisor Drake the ability to sign the negative declaration for the SEQR. There is a packet of information that needs to be submitted by November 15th.

Councilman Drozd moved the adoption of Resolution 14, seconded by Councilman Krezmien:

WHEREAS the Town of Concord Town Board, after reviewing the SEAF for the Concord Community Park Concession Stand project, and after considering the information and analysis contained in that SEAF, hereby determines that the proposed action will not result in any significant adverse environmental impacts;

FURTHER, the completed SEAF Part 3 Determination of Significance, with this Resolution shall serve as the Negative Declaration for this proposed project and Supervisor Drake is authorized to sign the Negative Declaration as the Responsible Officer of the Town Bard acting as Lead Agency.

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.

f) Appointment of Seasonal Laborer – The Town has been approached by the maintenance man at the Orchard Senior Living Apartment building and he would be willing to do the snow blowing at the Senior Center. Motion by Councilman Zittel, seconded by Councilman Krezmien, to appoint Keith R. Cordaro to the position of seasonal laborer part time at the Senior Center effective November 8, 2018, at the starting wage of \$10.40 per hour increasing to \$11.10 on January 1, 2019, with the minimum wage increase. Mr. Cordaro's seasonal duties will be to snow blow the sidewalks on an as needed basis. The six month probationary period does not apply. Councilman Snyder asked if this position was filled last winter. Supervisor Drake advised that the position the Town had filled last winter was also to plow the parking lot as well as the snow blowing. The situation the Town has here is that Mr. Cordaro is already out there snow blowing part of the sidewalk and is more than willing to do our portion as well with our machine. This will not be a several hours a day position; just as it is needed. As far as plowing the parking lot, Supervisor Drake is working on that. Hwy Supt Dains had noted that he will cover this if snow comes before it is resolved. Councilman Drozd asked for an alternative resolution and Supervisor Drake advised to find somebody who can run the highway equipment. Councilman Drozd thought back to his time as Hwy Supt that he was told by the Town Attorney that the Town Hall, Library are the same as town roads. Hwy Supt Dains noted that it is not the same as a town road. It has to be billed back to the Town. Supervisor Drake noted that the parking lot is millings, not asphalt and need to be careful. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

g) Resignation of Bingo Inspector Debra Randall – Supervisor Drake advised that he had just received a letter of resignation from Debra Randall as the Bingo Inspector. Motion by Councilman Drozd, seconded by Councilman Zittel, to accept the resignation of Debra Randall as Bingo Inspector. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

h) Appoint of Bingo Inspector – Supervisor Drake informed the Board that our prior Bingo Inspector, David Greaves, wants to have the job back. The pay would be \$25/inspection plus mileage. Bingo inspections are normally done once a month. Motion by Councilman Krezmien, seconded by Councilman Zittel, to appoint David

Greaves as the Bingo Inspection. 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 advised that the budget is the most important work the Councilman do each year. He explained that the reason he voted no to override the tax levy is because he campaigned not to raise taxes but believes that this budget is a responsible budget with the current issues facing the Town as detailed in the Public Hearing earlier tonight.

b) Councilman Drozd brought the Board up to date on December programs at the Hulbert Library: doll making, bird house painting and Explore & More will be there doing gingerbread houses.

c) Councilman Drozd updated those in attendance that the Mill Street bridge project. The concrete was poured and has a 28 day cure period; it should be open around Christmas time.

d) Councilman Zittel noted that Councilman Snyder covered the budget in his note. This was a really tough budget but he feels it is a very good budget.

e) Councilman Krezmien advised that he will start his annual night/day watch of the lights at the Senior Center; the lights are apparently not working again since the time change. He will work to get it straightened out.

f) Supervisor Drake advised that the Town Christmas party for employees and volunteers will be held on December 14th. Bookkeeper Ciszak will be getting the notices ready to go out.

g) Supervisor Drake advised that the Veteran's Day service will be Sunday at Shuttleworth Park at 11 a.m. A luncheon will follow at the VFW.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Zittel, seconded by Councilman Krezmien, and passed unanimously, to adjourn the meeting at 7:54 p.m.

Shirley A. Hare
Lorraine A. Weber
Lawrence Kjeldgaard
Wayne D. Kester
Donna E. Guntrum
Linda M. Johnson
Holly Connors

Councilman Krezmien advised that Wayne Kester served on the Planning Board for the Town for several years.



Darlene G. Schweikert
Town Clerk

CONCORD SENIOR CENTER OCTOBER MONTHLY REPORT

October was a fantastic month for the Senior Center. Having the Aging Mastery Program from Erie County to our Health Fair with numerous Insurance reps here. Our total for the month as best as I can figure out is roughly 1323. I am having a hard time getting people to sign in when they come in -so this is an estimate according to the programs. Our Stay Fit Nutrition Program had 452 lunches served this month. For a grand total of people at the center totaling 1775.

Many new things are coming to the center

We are receiving a steam table from Erie County Stay Fit Dining due to increasing our lunches - for we are almost not able to do all the cooking.

We had a luncheon catered by Erie County on November 5 for our graduating Aging Mastery Class, plus all that attended were given gift cards from Erie County. We were allowed only 15 in the class. Could have had many more. It was such a success that we have been asked to schedule one in the spring . It is a new program that we were chosen to participate in.

For our Veterans Day Lunch, we are giving a free lunch plus a gift card to all veterans that join us that day.

We had our Halloween Party on Nov 1 -with great success. Many dressed up plus some of our seniors did a surprise skit for us. Prizes were given out.

We have been chosen as one of two sites to have all our lunch information on to computer with a swipe key access for everyone. This will link us directly with Erie County. So, all information will be sent directly there, eliminating much paper work plus calling in of the lunch each week. Hopefully maybe in the future this could be used to track people coming in to the center.

Our warming center is starting to be developed. Starting to gather together a committee ^{the} to run & come up with policies for it.

We have had our fire system inspected this month with no problems in it

I have started a new group The Rural Resource Group included in is Love Inc-Scene-Trading Post-Bread of Life outreach. We have formed this group to discuss different concerns that we have in our area. We meet monthly.

The center has been chosen by AARP to be a free income tax preparation site in partner with the IRS.They will be here for 10 weeks -every Thursday during tax season

Lots more going on for the holidays

Town of Concord Highway Department

13076 N. Central Avenue

Springville, NY 14141

716-592-4892 Phone

716-592-4357 Fax

Email:concordhighway@gmail.com

Dennis M. Dains, Highway Superintendent

Highway Superintendents Report for the period of October 9th thru November 2, 2018.

Debris cleanup has been completed from the heavy rainstorm on October 7th. The Spaulding Road culvert had debris and washout around the inlet and outlet of the cross culvert. Oversize stone and gravel was hauled in to repair the damage. The Crane Ridge area had debris in front of the cross culvert inlets on various roads. These were cleaned up and chipped into the woods.

The town's mower finished up mowing the west side of town for the year. The mower has been cleaned up and prepped for winter storage.

The department has screened the asphalt millings we have in stock and are ready for any road shoulder repairs next spring.

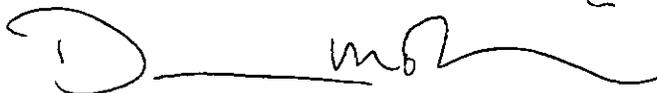
The men have done a road check of all town owned roads for any sign repairs and put up winter markers for the upcoming plow season.

The exhaust on Truck #12 has been repaired and four new drive axle tires have been replaced.

The screens in the VAC-ALL truck body have been replaced due to age. The new screens were made in the shop from raw angle iron and 3/4 inch raised expanded metal.

All plow equipment has been prepped and is ready for winter use.

Respectfully Submitted,



Dennis M. Dains