

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

FEBRUARY 14, 2019

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

ROLL CALL: 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

EXCUSED: DENNIS M. DAINS, Hwy Supt.
BRIAN F. ATTEA, Town Attorney
CAROLYN A. ROBINSON, Dog Control Officer

KELLEN QUIGLEY, Springville Times
COLLEEN MAHONEY, Springville Journal
KAREN HOWARD, Senator Gallivan's Office
GEORGE DONHAUSER
MARY JANE MIESS
JOHN MIESS

Supervisor Drake welcomed all in attendance and wished them a Happy Valentine's Day.

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1 APPROVAL OF MINUTES

- a) Organizational Meeting – 1/9/2019 - Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.
- b) Town Board Meeting – 1/9/2019 - Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.
- c) Bid Opening re: Fuel Bid – 2/4/2019 - Motion by Councilman Snyder, seconded by Councilman Zittel, 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 Zittel, to approve the Monthly Reports, Items a-k. Councilmen Krezmien, Drozd, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

- a) Code Enforcement Report – Year End Report 2018
- b) Code Enforcement Report – January 2019
- c) Dog Control Officer Report – January 2019
- d) Supervisor Report – November 2018
- e) Supervisor Report – December 2018

- f) Judge Frank Report – December 2018
- g) Judge Gibbin Report – December 2018
- h) Judge Frank Report – January 2019
- i) Town Clerk Report – January 2019
- j) Van Report – November 2018
- k) Van Report – December 2018

l) Highway Report – Supervisor Drake advised that Hwy Supt Dains was excused from tonight's meeting but had filed his written report. Motion by Councilman Krezmien, seconded by Councilman Zittel, to accept the written Highway Report. Councilmen Krezmien, Drozd, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Councilman Krezmien advised that the Fuel Bid Opening was held on February 4th; one Fuel Bid had been received. Motion by Councilman Krezmien, seconded by Councilman Zittel, to award the fuel bid to Crabb Energy Products. Councilmen Krezmien, Drozd, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

m) Fire Department Report – Councilman Drozd reported that the Springville Volunteer Fire Department is starting to organize their car show fundraiser which will be held on July 21st in conjunction with the All-Class Reunion.

Councilman Drozd noted that there is pending legislation in the Assembly to ban any gun or alcoholic beverage as a prize. This is very concerning for charitable organizations. The Springville Volunteer Fire Department's main fundraiser is their Sportsman's Raffle.

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

ITEM #4 OLD BUSINESS

a) Supervisor Drake noted that at the January meeting, the Holforth Risk Management Analysis Contract was tabled. Supervisor Drake looked into this further and recommends that the Town does not renew this Contract. Supervisor Drake has had conversation with our insurance companies regarding this Contract. Motion by Councilman Drozd, seconded by Councilman Krezmien, that the Town will not be renewing the Holforth Risk Management Analysis Contract. This will be a tremendous savings for the Town. Supervisor Drake stated that this is going to save the Town about \$13,600. Councilmen Krezmien, Drozd, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake noted that the Contract is not up until the end of February so he will send a letter to Holforth thanking them for their past service and that at this time the Town will not be renewing the Contract.

ITEM #5 NEW BUSINESS

- a) Audit of the Bills –

Year 2018 Abstract 14:

General Fund A, abstract 14, bills 1580-1603; \$15,495.39

General Fund B, abstract 14, bill 1604; \$2,859.06

Library Fund, abstract 14, bill 1605; \$444.56

Fire Protection, abstract 14, NONE

Joint Van, abstract 14, bill 1606; \$613.45

Joint Youth, abstract 14, bills 1607-1608; \$1,605.12

Craneridge Lighting, abstract 14, bill 1609; \$2,016.55

Craneridge Sewer, abstract 14, bills 1610-1613; \$1,398.65

Highway DA, abstract 14, NONE

Highway DB, abstract 14, bill 1614; \$875.00

Kissing Bridge Water, abstract 14, NONE

Kissing Bridge Sewer, abstract 14, NONE

Trevett Rd. Water, abstract 14, NONE
 Cattaraugus St. Water, abstract 14, NONE
 Trust & Agency, abstract 14, NONE
 Capital (HA) C. Sewer, abstract 14, NONE
 Capital (HB) Land, abstract 14, NONE
 Capital (HD) Catt St, abstract 14, NONE
 Capital (HE) Sr. Ctr, abstract 14, NONE
 Capital (HF) Hwy Equip, abstract 14, NONE
 Capital (HG) Waste Study, abstract 14, NONE

Year 2019 Abstract 2:

General Fund A, abstract 2, bills 44-117; \$88,133.75
 General Fund B, abstract 2, bills 118-121; \$4,084.33
 Library Fund, abstract 2, bills 122-124; \$558.76
 Fire Protection, abstract 2, NONE
 Joint Van, abstract 2, bills 125-127; \$618.63
 Joint Youth, abstract 2, bill 128; \$500.00
 Craneridge Lighting, abstract 2, bill 129; \$1,821.93
 Craneridge Sewer, abstract 2, bills 130-136; \$6,411.83
 Highway DA, abstract 2, NONE
 Highway DB, abstract 2, bills 137-159; \$73,232.12
 Kissing Bridge Water, abstract 2, bills 161-164; \$4,035.86
 Kissing Bridge Sewer, abstract 2, bills 160 & 165-172; \$6,387.45
 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

*As corrected
3/11/19
ds*

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

b) Mowing/Cemeteries Proposals -- Supervisor Drake asked the Board to approve 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 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, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake is considering not putting these as a bundle bid proposal; maybe do the cemeteries as one bid and the Senior Center as another bid. Discussion. Councilman Drozd would like to have the mowing and trimming done at the Senior Center when no events are being held. Councilman Snyder suggested to bid it both ways just to see if there is a cost savings.

c) 2019 Junk Yard Permits - Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the following junkyard permits, as recommended by the Planning Board. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

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

d) 2019 Mining Permits -- Councilman Zittel asked if Gernatt Asphalt Products should have a permit for the Ruth Gentner pit. Town Clerk Schweikert advised that this was brought up by Planning Board Member George Donhauser and this is being

researched. The fees for Mining Permits are paid through the Supervisor's Office so Town Clerk Schweikert does not have that revenue record. Motion by Councilman Krezmien, seconded by Councilman Snyder, to approve the following mining permits, as recommended by the Planning Board. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

1. McEwan Trucking
2. Schreiber & Winkelman
3. Joseph McCarthy
4. Gernatt Asphalt Products, Inc.:
 - a) Vaughn/Genter-Middle Road
 - b) Middle Road- DeWald
 - c) Snyder Road Zylinski Clay Mine
 - d) Vaughn Street – Waterman
 - e) Vaughn Street – Wendel
5. Cold Spring Construction
 - a) Sharp Street
6. D&H Material, Inc. (Hannon)
7. Triple R Properties (Russo Development)

e) AIM Resolution – Supervisor Drake advised that Governor Cuomo has decided to try to cut the funding for AIM (Aid and Incentives for Municipalities) A resolution has been drafted in opposition of these cuts.

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

WHEREAS, Governor Cuomo's proposed 2020 NYS Budget includes unprecedented cuts to unrestricted State Revenue Sharing program known as Aid and Incentives to Municipalities (AIM) in the amount of 49 million for all municipalities in the State of New York, effectively eliminating the program; and

WHEREAS, this proposed cut would result in a loss of \$48,251 from the Town of Concord's general budget; and

WHEREAS, funding has not been increased in the last several years as unfunded mandates and cost of Town and Village services have risen; and

WHEREAS, if these cuts go through, a shocking 91% of Towns and Villages will permanently lose their AIM funding; and

WHEREAS, incentives for shared services, consolidation, and infrastructure remediation directed by consent orders in no way replace the needed financial assistance to fund and manage the increasing costs of day to day services and capital projects needed in sustainable Town and Village planning and management; and

WHEREAS, the proposal to eliminate AIM funding unfairly punishes State residents, making financial planning aligned with the NYS Tax Cap virtually impossible and

WHEREAS, the Governor is proposing to make the Tax Cap permanent, discontinue the \$65 million in Extreme Winter Recovery Program and proposes no increase for CHIPs funding, for which there has been widespread vocal support; and

WHEREAS, the proposal to eliminate AIM funding is not proactive, but a method to cut a small percent from the State Budget, yet a significant amount of revenue to Town and Village budgets.

NOW, THEREFORE, BE IT RESOLVED: The Town of Concord strongly opposes the elimination of AIM funding; and

FURTHER RESOLVED, the AIM funding benefits all of our residents not only in the Town of Concord but throughout New York State and eliminating it could result in reduction of services, program cuts and layoffs. Every dollar that the State shared is a dollar that doesn't have to be levied on the backs of local taxpayers; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Honorable Governor Andrew M. Cuomo, Honorable Senator Patrick Gallivan, Honorable Assemblyman David DiPietro, Honorable Legislator John Mills and Erie County Executive Mark Poloncarz.

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.

Supervisor Drake advised these cuts would be especially tough on the Towns; the Town has already passed their 2019 budget and relied on this AIM funding when the budget was prepared. Now the Town has a \$48,251 shortfall if this were to go through. About \$40,000 is 1% for the Town; the Town would have had to have a tax increase of another percent just to cover this. The Village has not yet passed their budgets for 2019. Mary Jane Miess thinks it would be great if all the citizens would communicate with their elected officials. Karen Howard agreed.

Supervisor Drake asked the Board for a motion to add additional items to the Agenda: (f) LED Lighting, (g) Flood Insurance for discussion purposes, and (h) Craneridge Sewer. Motion by Councilman Krezmien, seconded by Councilman Zittel, to add Agenda Items (f)-(h). Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

f) LED Lighting- Supervisor Drake has been attending meetings and talking with NYSEG that has our streets lights. Other towns are trying to convert their street lights to LED; most of these are with National Grid. Converting to LED would mean that the Town would buy the head on the pole with the light. With National Grid you also buy the arm. In some cases, if that is the only thing mounted on the pole, you also have to buy the pole and you need switches that would shut the light off. There is quite a bit of cost in that process. These towns were talking paybacks of 5-6 years on that depending on the net book value for the lights. All the lights in the Town (other than the Village of Springville lights) are with NYSEG. There are 63 lights. Supervisor Drake and Councilman Drozd have had telephone contact with Susan Westfall. A conversion calculator was provided as well as information regarding the kind of lights the Town has right now for our 63 lights; what these lights would convert to in LED. The Town's net book value is pretty reasonable. It's roughly \$5,500 to buy these out. The savings project is over \$5,000/year. There is about a one-year payback for the Town to convert all our street lights to LED. The \$5,000 savings is going to be continuing for years. The Town will continue to look into this. One concern is that some LED lights when converted can be too bright and get a bluish look to them. Supervisor Drake also has discussed this with Drew Reilly of Wendel who provided a name of a person who does a lot of their work. Supervisor Drake reached out to that person and went over the numbers with him and the decision was this is a no brainer for the Town. Thirteen other communities have already signed up. Ms. Westfall is getting towns signed up now so that they can project the work with the commission and project how long the contractors would be needed in this area. It would behoove us to jump on this ship if we are going to do it. Supervisor Drake will continue to investigate but would like the Board's thoughts; do we want to go ahead and get our name on the list by signing this agreement? Councilman Krezmien stated that he thinks we should get our name on the list; Councilman Drozd noted that he has been going to the meeting with Supervisor Drake and can't understand why the Town would want to own these poles, arms, the

lights; all that would do is put more liability on our insurance should an accident occur. He feels this is the way to go and eventually it will save us some money with the one-year payback. The Town did receive an inventory listing and will be driving around verifying the locations. The inventory had a few locations that were not in Concord. Supervisor Drake and Councilman Drozd will be driving around and looking at these lights to verify. Councilman Krezmien asked if the Town received an itemized billing every month. Supervisor Drake noted that it's confusing; the electric is paid through an Erie County Consortium so at this time the Town does not have all the details and amounts paid. Councilman Snyder noted that these lights potentially have a 20-year life with a savings of \$5,000 annually. Supervisor Drake advised that what is good about this plan is that NYSEG continues to do the maintenance; with National Grid the Town has to pay for the maintenance. Councilman Drozd stated that the Town does not want to own these lights or maintain these lights. Supervisor Drake advised that he will continue to work on this project and unless something changes drastically, the Town would continue to pursue this. Motion by Councilman Zittel, seconded by Councilman Krezmien, to put the Town's name on the list with NYSEG and pursue this project. Councilman Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

g) Flood Insurance Discussion – Supervisor Drake received a letter from New York State with regard to the National Flood Insurance Program. There have been new Flood Insurance Rate Maps (FIRM) which were put in place in 2009. The Town has had ten years to respond if the Town did not agree with these maps. On June 7, 2019, these maps are to become final. The State is telling us that the Town has to rescind any flood local laws that the Town has and adopt this State one. Supervisor Drake and Town Clerk Schweikert checked our records and found the local law from 1987. Councilman Krezmien is the only board member that was here in 1987. Supervisor Drake advised that he has a copy of the local law which he will modify to put in the Town's information. In the 1987 local law, the Town person in charge was the Code Enforcement Officer. The new law has a permit fee so Supervisor Drake is working with CEO Singleton to establish a permit fee. This needs to be submitted to New York State before March 9, 2019; the State will look it over and give us their approval before the Town can have the Public Hearing and pass a local law.

Supervisor Drake said that he then had contact from FEMA telling us about the maps and what the Town has to do. FEMA said there are five flood problems in the Town: two of them on Fowlerville Road, one on Buffalo Road, one on North Street, and one is on Spaulding Road. Councilman Drozd does not think that Spaulding Road should be on the list because when he was Highway Superintendent this had been repaired. That area doesn't flood anymore and probably should be removed. Supervisor Drake advised that the bottom line is that if the Town does not get this done, residents of the Town could not get flood insurance. Supervisor Drake will send the board members copies of what he sends to New York State. The new flood maps are in Supervisor Drake's office.*

h) Craneridge Sewer – Supervisor Drake has been told by the DEC that the Craneridge Sewer needs a mechanism put in place that gets the chlorine out of the sewage before it goes into Cazenovia Creek. Mark Alianello, MDA Engineers, has designed a plan and a piece of equipment using tablets that are supposed to take the chlorine out. This plan was sent into the DEC to see if this method is acceptable. There will definitely be a cost but the DEC is requiring correction.

i) Employee Manual – Supervisor Drake is in the process of updating the Employee Manual. The Town needs a Cyber Policy to control our computers as well as a Fund Balance Policy and also a Procurement Policy which takes the Town's credit cards into effect. This would need to spell out who could use the credit cards and where they can be used.

ITEM #6 EXECUTIVE SESSION

There was no Executive Session.

ITEM #7 CONSENT AGENDA

As Corrected
 3/14/19
 Councilman Drozd asked that the Minutes be corrected to note that the statement he had made regarding Spaulding Road should go in the Minutes that this statement was made based on his opinion only and not intended to change FEMA or the flood plain map people's decision in any way.

There was nothing for Consent Agenda.

ITEM #8 COUNCILMAN NOTES

1) Councilman Snyder noted that the SYI meeting last week was cancelled because of weather. Supervisor Drake advised that Craneridge has reached out to the Town and would like a meeting with Supervisor Drake and Councilman Snyder.

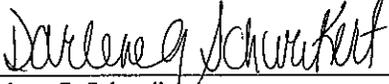
2) Councilman Drozd updated the Board from the last two Library Board meetings. (a) The Library Board realized they only have six members. The charter calls for 5 to 11 members. The Board is looking for one member to make 7 to have an odd number of members. Interested library patrons should mail resumes to Librarian Jennifer Morris at 18 Chapel Street, Springville, or drop them off to Town Clerk Schweikert. Concord residents would have preference. (b) There was a lighting problem at the library during the recent storm. A couple of lights in the front of the building froze and the bulbs burned out. They viewed the insulation and there is a little gap between the steel studding and the steel beams going across where you could see a little light coming in. They feel that when the wind came out of the west it came in that gap and burned out the light. The custodian replaced the bulbs. Councilman Drozd feels this is something that the Board should look at down the road to have some insulation blown in there to seal it. The building is very well insulated that is not the issue at all. (c) Custodian Gerald Krzemien is doing a fantastic job at the Library. He has painted some rooms; did some minor electrical work. There was discussion at the last Library Board meeting that there are a few trees around the library that are dead. The roof of the library has some moss growing on it. These trees should probably come out. The trees have been trimmed extensively. Custodian Krzemien could do some landscaping once the trees are removed.

3) Councilman Zittel wished everyone a Happy Valentine's Day. (a) The Control Center meeting last month was cancelled due to the weather. (b) This Saturday, February 16th there is a Soup & Bake Sale at the Salem Lutheran Church Preschool and the proceeds will benefit the education building room.

ITEM #9 MOTION TO ADJOURN

Motion by Councilman Krzemien, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 7:41 p.m. in memory of:

Marjorie Wallace
 Carol E. Cherry
 James C. Rogers
 John J. Neumann
 Anthony M. Giordano
 Gerald Brown
 Doris May Horn
 Patricia Bird
 Tina Schichtel
 Dona Schueler



 Darlene G. Schweikert
 Town Clerk

