

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

October 10, 2019

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 MAX BORSUK, Springville Journal
GEORGE DONHAUSER MARY JANE MIESS
LINDA GELLATLY

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1. APPROVAL OF MINUTES

a) Work Session – 9/12/19 – Motion by Councilman Zittel, seconded by Councilman Drozd, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) Town Board Meeting – 9/12/2019 – Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

c) Special Town Board Meeting – 9/30/2019 – Motion by Councilman Krezmien, seconded by Councilman Krezmien, 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-f. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake voting aye. Carried.

a) Code Enforcement Officer – September 2019; there are currently 7 new homes and 11 significant additions or renovations being regularly inspected and monitored.

b) Dog Control Officer – September 2019; 18 summonses were served and a dangerous dog hearing was held; 135 calls were received and 159 calls were made.

c) Town Supervisor Report – August 2019

d) Town Clerk Report – September 2019

- e) Judge Frank Report – August 2019; \$5,675 was received
- f) Judge Gibbin Report – August 2019; \$13,797 was received.

Supervisor Drake advised that the Town does not get to keep all this; part of the Justice Department revenue goes to New York State.

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

(1) Hwy Supt Dains noted that the emergency work on the Craneridge Sewer has been completed. Ben Slotman from MDA Engineers reviewed the work with Hwy Supt Dains and believe that we will be in good shape for a while now. The rock placed was 4' by 4'. They tried not to take any trees down because the root base would stabilize it even more but one big tree and a couple little ones had to be taken down to get room to get the machine in there.

(2) Hwy Supt Dains notified the Board that he will work with Town Clerk Schweikert to publish the Seasonal Abandonment of Randall Drive and White Street from November 1st until April 15th and also the Town Highway Law-Section 214 Depositing Ashes, Snow, Ice, Stones, Sticks, et cetera Upon the Highway and Winter Parking – Parking Restrictions Notice and asked permission to publish these Notices.

Councilman Drozd asked Hwy Supt Dains if he was aware that Cattaraugus County had a lot of equipment stored down on the Town end of Randall Drive for their resurfacing of Route 240. Hwy Supt Dains asked if it was at the rest area down there or on the road. Councilman Drozd noted that it was on road; Hwy Supt Dains advised that he never received a call. Hwy Supt Dains will take a look at the area.

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

h) Fire Department Report – Councilman Drozd, board liaison to the Springville Vol Fire Co., reported that the Springville Fire Company's Sportsman Raffle Fundraiser will be held this Saturday, October 12th.

Hwy Supt Dains noted that the department had Fire Prevention Night last night and it is nice to see the little come up and watch their faces when they see the fire equipment. It's always a lot of fun.

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

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 10, bills 1053-1133; \$38,356.12
 General Fund B, abstract 10, bills 1134-1139; \$2,888.02
 Library Fund, abstract 10, bill 1140; \$386.67
 Fire Protection, abstract 10, NONE
 Joint Van, abstract 10, bills 1141-1143; \$550.37
 Joint Youth, abstract 10, bill 1144; \$719.41
 Craneridge Lighting, abstract 10, NONE

Craneridge Sewer, abstract 10, bills 1145-1154; \$7,232.18
 Highway DA, abstract 10, NONE
 Highway DB, abstract 10, bills 1155-1179; \$14,108.82
 Kissing Bridge Water, abstract 10, bills 1180-1182; \$165.15
 Kissing Bridge Sewer, abstract 10, bills 1183-1187; \$4,136.00
 Trevett Rd. Water, abstract 10, NONE
 Cattaraugus St. Water, abstract 10, NONE
 Trust & Agency, abstract 10, bill 1188; \$6,646.46
 Capital (HA) Craneridge Sewer, abstract 10, NONE
 Capital (HB) Land, abstract 10, NONE
 Capital (HD) Catt St, abstract 10, NONE
 Capital (HE) Sr. Ctr, abstract 10, NONE
 Capital (HF) Hwy Equip, abstract 10, NONE
 Capital (HG) Waste Study, abstract 10, NONE

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

b) Resolution for Community Development Block Grant: Supervisor Drake asked the Board for a resolution ranking any projects they would like to do; the only one that the Town could put forward as a Board would have to be something to do with the Senior Center. One of the suggestions is that the parking lot is just millings and to protect it and move forward the Town should consider perhaps paving the parking lot. Supervisor Drake had checked with CDBG and that is an acceptable project. He reminded the Board that the Town would have to come up with roughly 25% of the cost of whatever it is the projects are. Is this something that the Board would want to put a project forward or not? Councilman Zittel feels it should be looked into. It would appear that the cost to do the project could be about \$50,000. 25% would be \$12,500. The base of the parking lot is good. The deadline for submission is October 28th; the Board would have to go after someone to get a quote that the Town could rely on to push that project forward. This is not to say that the Town would get the grant; the Town got the generator at the Senior Center just a couple years ago. Councilman Drozd believes it would enhance the appearance of the Senior Center. Supervisor Drake noted that it will make it easier to plow and we would be able to stripe it. The Board believes that this is something they would like to do. Supervisor Drake noted all the discussion about the Rural Transit Van during the Public Hearing but he believes the Town would be cutting their nose off to spite our face if the Board did not list that as our Number Two project. The Town will need to continue to work on getting improvement in this service; Mary Jane Miess has offered to work on this as well. Mrs. Miess is on the Erie County Senior Citizens Advisory Committee. Councilman Snyder asked if the Town lists the parking lot as the Number One project and we are awarded but then we decline it, is that viewed as a negative? Councilman Drake advised that once the quote comes back the Board could be polled to see if it is something the Board wants to move forward with or not.

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

WHEREAS, Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Times on September 27, 2019. Said Notice of Public Hearing was also posted on the Town of Concord Website and on the signboard at the Town Hall on September 20, 2019;

WHEREAS, that the Town Board of the Town of Concord held a public hearing on Thursday, October 10, 2019;

NOW, THEREFORE BE IT

RESOLVED, that at a meeting of the Town Board of the Town of Concord, held on Thursday, October 10, 2019, the Town Board authorized Clyde M. Drake, Supervisor, to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following project upon approval of the ECCDBG:

- 1. Paving of the Senior Center Parking lot
- 2. The Rural Transit Service

Voting as follows:

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

The foregoing resolution was thereupon declared duly adopted.

c) **Local Law #3 of 2019: To override the tax cap - Supervisor**
Drake advised that the Board held the Public Hearing earlier today and any and all interested persons were heard. This Law will give the Town the ability to go over the tax cap.

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

**Local Law No. 3 of the Year 2019
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, 2020 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, 2020 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.

d) 2020 Preliminary Budget - Supervisor Drake advised that the Board held four long work sessions on the budget and the Board thinks they know what they need to do moving forward. Supervisor Drake asked the Board if anyone would like to make a motion to pass the budget as it is or, if not, go back to work sessions. Councilman Krezmien made the motion to pass the budget as it is.

Councilman Krezmien moved the adoption of Resolution 10, seconded by Councilman Zittel:

WHEREAS, Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Times on September 27, 2019. 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 September 20, 2019;

WHEREAS, that the Town Board of the Town of Concord held a public hearing on Thursday, October 10, 2019;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Concord does hereby adopt the 2020 Budget.

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.

e) **Auditor Appointment** – Supervisor Drake advised that as part of their meeting packet, the Board received a Cost Proposal from a different auditor. The Town had Freed Maxick for many, many years and feels it is time to put a fresh set of eyes on our books and transactions. Supervisor Drake reached out to Drescher & Malecki and their quote for yearly auditor fees is \$16,710. This would be for the year ending December 31, 2020 through 2023; they will hold this price for that four-year period. Supervisor Drake noted that this firm handles a number of other towns in the area. Supervisor Drake is asking the Board to change auditors; he was not impressed with the last audit we had. It was not up to what he would have expected. Councilman Drozd noted that this would be another plus for budgeting purposes having a solid amount for that period of time. Supervisor Drake noted that it is a couple hundred more but the amount will hold for the four years. Motion by Councilman Snyder, seconded by Councilman Drozd, to enter into an agreement with Drescher & Malecki for town auditor purposes. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

f) **Fiscal & Environmental Stress Report NYS** – Supervisor Drake informed the Board that the Town had their Fiscal & Environmental Stress Report come in from New York State. The Town is not in stress in either one. The good news is that lower is better. The Fiscal Stress stayed the same as in 2017 at 6.7. The Environmental Stress went from 20.0 in 2017 to 10.0 in 2018. For New York State purposes, the Town got a positive review. Motion by Councilman Zittel, seconded by Councilman Drozd, to accept the Fiscal & Environmental Stress Report from New York State. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake asked the Board for a motion to add one additional item to the Agenda: Item (g), Invoice for the Emergency Repair in Craneridge. Motion by Councilman Krezmien, seconded by Councilman Zittel, to add Item (g) to the Agenda. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

g) **Invoice for Emergency Repair in Craneridge** – Supervisor Drake advised that the invoice came in for the emergency repair in Craneridge/Crump Bank sewer erosion. The invoice is from Bill Bognar who did the work is for \$24,911.93. This is a couple hundred more than what the quote was but the reason for that is that the project ended up needing an extra 10 ton of stone. Supervisor Drake would like to get the invoice paid since the company did respond in such a quick manner to complete this project. Motion by Councilman Krezmien, seconded by Councilman Snyder, to pay the October 9, 2019 invoice to Bill Bognar for the emergency repair in Craneridge in the amount of \$24,911.93. 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 had discussed his notes regarding the 2020 Budget during the Public Hearing earlier this evening.

b) Councilman Drozd, Hulbert Library liaison, brought the Board up to date from the Library Board meeting:

1) Discussion about getting the snowblower serviced; but it is a County machine and should be taken out of County funds.

2) A couple of big things happened over the last month there:

a) Librarian Jennifer Morris participated in and got her course work in for the Western New York Library Resource Council Health Literacy Grant so she could get up to \$350 for health literacy programming (mainly brochures).

b) Erie County Department of Social Services will be returning to the Library next week; like they did last year. They will be here this Fall and then Spring. They will be doing basically the same as what they do at the Senior Center: SNAP, WIC, HEAP, legal assistance, home winterization, finding health clinics and other Social Service programs.

c) About a year ago, it was brought up to bring things under the same umbrella. Librarian Morris and Senior Director Eschborn have been working on this. Beginning December 1st, Librarian Morris will be at the Senior Center every Tuesday starting at noon for a program called, "Ask the Librarian". This will give Librarian Morris an opportunity to have a presence out in our community and introduce the library services and programs to members not familiar with the Library. They also discussed other programming involving member volunteering with Story Time at the Library. They have worked hard to put this together.

d) The Hulbert Library received a grant and will be participating in the UB IMLS (Institute of Museum and Library Services) grant producing productive library programming for older adults. The huge part of this is that Concord is only one of three Buffalo & Erie County Libraries that were selected to participate in this research grant. The other two are Buffalo's Merriweather Library and the Clearfield Library in Amherst. Concord is the only one in the Southtowns. This is a three year project; it will give insight into the best practices and ways to attract and engage the older adults by directly involving them in the co-design of programming and services that the library service can offer; not just here but any other library; as far as books and materials, DVDs, tapes that they want. Librarian Morris went to the first meeting last week. This also entails that our Hulbert Library to get ten more hours a week; she can give ten more hours to a current employee or hire another person. Councilman Drozd feels that Concord would never have been selected but for what has happened up at the Senior Center. The Senior Center is growing and the Town is being recognized by the Library Board and the County representatives in the Rath Building. Councilman Drozd commends them for their efforts in this project.

e) Councilman Drozd also noted that the Senior Center has the new computer system to check into the Nutrition Site. Supervisor Drake advised that any new program that Erie County is rolling out is being offered to our Senior Center first.

3) Councilman Zittel informed the Board that the Fairview Cemetery Corporation had their annual meeting on September 30th, 2019. Eric Schweickert, Boy Scouts of America, would like to do an Eagle Scout project there. The project would entail taking down the two old flagpoles and putting up a new one with a guard around the bottom and a solar light on the top to illuminate the flag. It will be located approximately three feet towards Route 391. The Cemetery Board approved his project.

4) Councilman Krezmien thanked Supervisor Drake, Bookkeeper Ciszak and fellow board members for all their input and thought on the budget. He is aware that it is always a difficult time for everyone; but in the end the Board has to look at the fund balances and stabilize them so that, in the event, the Town does have something catastrophic go wrong, and the Town has to borrow money, the Town needs the funds to back it up; without those fund balances/reserves the Town couldn't do it and wouldn't be able to borrow any money. Councilman Krezmien commended everyone for putting that time on the budget.

5) Supervisor Drake advised the Board that there was one important that he and Councilman Drozd attended recently with NYSERDA (New York State Energy Research & Development Authority). Planning Board Chairman Kelly and Member Karl Lux attended as well. It was laid out to the Town what the Town should be looking at doing because of the solar farms. They were saying that we needed an updated Solar Law, even though the Town just passed a Solar Law in June. The Town has to read through this new law and see if it can be done before December. There is also PILOT

law out there now that NYSERDA feels the Town should be putting in place. Supervisor Drake noted that it was a very informative meeting. New York State is the one pushing for this green energy and they came in and told the Town what we can do and what we can't do. Supervisor Drake told them that as a Board the Town was still looking into the solar project and at this time has not made a decision. The Genesee Road solar project would be the largest one in New York State so the Town has to be prepared.

6) George Donhauser noted that in the 2020 budget for the caretaker line, it states \$20,500/hour as the pay. Councilman Drozd said that it was just a typographical error. Supervisor Drake noted that the \$20,500 is the total for all three of the caretakers; the hourly rates for each is over on the left. Motion by Councilman Snyder, seconded by Councilman Zittel, to correct that typographical error on the final budget. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Krezmien, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 7:36 p.m. in memory of:

Ruby A. Bruce
Sandra Ann Leverentz
Andrew Gutowski
Marilyn J. Fullington



Darlene G. Schweikert
Town Clerk