

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

September 12, 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 Office

KELLEN QUIGLEY, Springville Times MAX BORSUK, Springville Journal
GEORGE DONHAUSER BARRY EDWARDS
MARY JEAN MIESS JOHN MIESS
RYAN STORKE (arrived 7:35 p.m.)

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1. APPROVAL OF MINUTES

a) Work Session – 8/8/19 – Motion by Councilman Zittel, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) Town Board Meeting – 8/8/2019 – Motion by Councilman Zittel, 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.

1) Barry Edwards addressed the Board. Mr. Edwards lives next to Community Park. He knows that the Town does not have much control over this matter but notes that kids blow doughnuts behind the diamond and fly by his house when they leave the park. He feels the kids should be more respectful of the park. Supervisor Drake noted that Park Superintendent Schweikert advised that the flower beds are making it so that the gate is hard to open and close. Possibly the Sheriff can be called to patrol the area road.

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

a) Code Enforcement Officer – August 2019. There are currently 8 new homes and 12 significant additions or renovations being regularly inspected by CEO Singleton.

- b) Dog Control Officer – August 2019. DCO Robinson made 127 calls and received 100 calls. Eight summonses were served.
- c) Town Supervisor Report – July 2019
- d) Town Clerk Report – August 2019
- e) Judge Gibbin Report – July 2019; Received \$8,385.00.
- f) Judge Frank Report – July 2019; Received \$8,527.50.
- g) Van Report – July 2019; Supervisor Drake advised that our Senior Van now has 91,253 miles on the odometer.
- h) Highway Report – Hwy Supt Dains reviewed his filed report. Motion by Councilman Zittel, seconded by Councilman Krezmien, to accept the Highway Report. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

i) Fire Department Report – None

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 Snyder, and reviewed by the Board.

General Fund A, abstract 9, bills 900-977 & 1015 & 1050-1051; \$27,276.89
 General Fund B, abstract 9, bills 978-982; \$276,687.87
 Library Fund, abstract 9, bills 983; \$778.26
 Fire Protection, abstract 9, NONE
 Joint Van, abstract 9, bills 985-988; \$1,714.61
 Joint Youth, abstract 9, bills 989-992; \$39,881.22
 Craneridge Lighting, abstract 9, bills 993-994; \$3,259.32
 Craneridge Sewer, abstract 9, bills 995-1007 & 1052; \$12,623.37
 Highway DA, abstract 9, NONE
 Highway DB, abstract 9, bills 1008-1014 & 1016-1040; \$81,784.17
 Kissing Bridge Water, abstract 9, bills 1041-1043; \$341.00
 Kissing Bridge Sewer, abstract 9, bills 1044-1047; \$3,988.50
 Trevett Rd. Water, abstract 9, bill 1048; \$2,371.00
 Cattaraugus St. Water, abstract 9, bill 1049; \$302.10
 Trust & Agency, abstract 9, NONE
 Capital (HA) Craneridge Sewer, abstract 9, NONE
 Capital (HB) Land, abstract 9, NONE
 Capital (HD) Catt St, abstract 9, NONE
 Capital (HE) Sr. Ctr, abstract 9, NONE
 Capital (HF) Hwy Equip, abstract 9, NONE
 Capital (HG) Waste Study, abstract 9, NONE

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

b) **Resolution for NYS Retirement** – Supervisor Drake advised that Historian David Batterson had submitted his report of hours to Bookkeeper Ciszak for reporting of the Standard Work Day Reporting to New York State Retirement. Historian Batterson reported 7.32 days. Councilman Drozd would like to see the documentation of his hours before the Board certifies the information to the State. Motion by Councilman Drozd, seconded by Councilman Krezmien, to table the Resolution to allow the Board members time to review the documentation submitted. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

c) **Set Public Hearing date re: CDBG:** Supervisor Drake asked the Board to set the Public Hearing for Thursday, October 10, 2019 at 6:30 p.m. Supervisor Drake explained that the Town does this every year specifically for the Rural Transit Van and

any other requests that the Town would like to submit. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set the Public Hearing for Thursday, October 10, 2019 at 6:30 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Town Clerk Schweikert will put the notice of the meeting on the signboard at the Town Hall and also the Town's website.

d) Set Public Hearing date re: Tax Cap – Supervisor Drake asked the Board to set the Public Hearing for Thursday, October 10, 2019 at 6:45 p.m. This Local Law can be completed whether the Town goes over the tax cap or not. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set the Public Hearing for Thursday, October 10, 2019 at 6:45 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Town Clerk Schweikert will put the notice of the meeting on the signboard at the Town Hall and also the Town's website.

e) Set Public Hearing date re: 2020 Preliminary Budget - Supervisor Drake asked the Board to set the Public Hearing for Thursday, October 10, 2019 at 6 p.m. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set the Public Hearing for Thursday, October 10, 2019 at 6 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

A Special Town Board Meeting needs to be scheduled for the presentation of the 2020 Tentative/Preliminary Budget. Supervisor Drake asked the Board to set the Public Hearing for Monday, September 30, 2019 at 6:30 p.m. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set the Special Town Board meeting for Monday, September 30, 2019 at 6:30 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Town Clerk Schweikert will put the notice of the meeting on the signboard at the Town Hall and also the Town's website.

f) Wright Home Occupation – Supervisor Drake advised that the Planning Board reviewed Edward Wright's Home Occupation Application at their September 3, 2019 meeting. The permit is for online federal firearms at his home located at 11374 Snyder Road. Mr. Wright is in the process of completing his Federal Firearms License. There would be no storefront; no shooting range. Mr. Wright would be conducting background checks and assisting in the transfer of ownership of firearms. The Planning Board had no issues with this Application and recommended that the Town Board approve the Home Occupation Permit. Motion by Councilman Krezmien, seconded by Councilman Snyder, to approve the Home Occupation Permit of Edward Wright as recommended by the Planning Board. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

g) Agricultural District Annual Enrollment Process - The Agricultural District Notice of Open Enrollment was read into the Minutes. This Notice is also posted in the Bulletin Board at the Town Hall and the town's website.

PUBLIC NOTICE

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerk's, Assessors and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at www.erie.gov/environment.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

Contact Information:

Elias Reden, Planner
 Erie County Environment & Planning
 95 Franklin Street, 10th Floor
 Buffalo, NY 14202
 Phone: (716) 858-1911
 Fax: (716) 858-7248
 Email: agriculture@erie.gov

h) Emergency Declaration Craneridge Sewer – Supervisor Drake noted that back in 2009 there was damage to the sewer line in Craneridge near Meadow Trail. FEMA came in and provided assistance at that time. The sewer line was encased in Styrofoam and then concrete. On top of the concrete was geotextile fabric to protect from freezing and rock was on top. Jim Thoman noted that most of the rock is gone now and is worried about getting the repair work done before bad weather comes. If the Town Board declares an Emergency Declaration this work can be done within 30 days. MDA Engineers bid this project out for bid. If this work is not completed soon, there will be more erosion and we don't want to do this project in winter. Councilman Krezmien noted that the Town does not want it to get worse. Motion by Councilman Krezmien, seconded by Councilman Drozd, declare an Emergency Declaration with regard to Craneridge Sewer. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

i) Craneridge Sewer Repair – Supervisor Drake advised that MDA Engineers sent out the project to three bidders: Benson Construction & Development bid was \$124,000; Bill Bognar Excavating bid was \$23,900.09 and D&H Excavating did not submit a bid. MDA Engineers is recommending that the Board accept the bid of Bill Bognar Excavating for the project. Motion by Councilman Drozd, seconded by Councilman Krezmien, to award the Craneridge Sewer repair project to Bill Bognar Excavating as recommended by MDA Engineers in the amount of \$23,900.90. This money comes out of the Craneridge Sewer budget line and not out of general town funds. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

j) Ryan Storke Solar Farm – Mr. Storke had advised that he may be late in attending our meeting. He has not yet arrived. Supervisor Drake continued the meeting in his absence and will let Mr. Storke address the Board upon his arrival.

Supervisor Drake asked the Board for a motion to add (k) American Legion Resolution. Motion by Councilman Snyder, seconded by Councilman Zittel, to add (k) American Resolution to the Agenda. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

k) American Legion Resolution – Supervisor Drake was notified that this is the 100th anniversary of the American Legion; he was invited to attend a dinner on Saturday, September 14th and will present the American Legion with the Resolution.

Councilman Drozd moved the adoption of Resolution 7, seconded by Councilman Zittel:

Board Resolution of the Town of Concord in Recognition of the
 American Legion Post 431 duly passed on September 12, 2019

WHEREAS, The American Legion was first formed by Congress in 1919 as a patriotic veteran's organization focusing on service to veterans.

WHEREAS, our American Legion Post #431 has remained extremely active along with its Auxiliary, to support this mission and make life better for veterans in our Town.

WHEREAS, American Legion Post #431 has supported Boys State, Girls State and scholarship programs in our community.

IT IS THEREFORE RESOLVED that the Concord Town Board formally acknowledges and extends its profound appreciation to the American Legion Post #431 for its service to the Town of Concord.

IT IS FURTHER RESOLVED the successful efforts of the American Legion Post #431 to make life better for veterans should be a source of pride for both your members and patriotic Americans everywhere.

IT IS FURTHER RESOLVED that the Town of Concord congratulates the American Legion Post #431 on its 100-year anniversary and wishes them well in their future activities.

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 the Board that the Erie County Board of Election notes that Early Voting will be held at the Concord Senior Center on Saturday, October 26th and Sunday, October 27th from noon to 6 p.m.; October 28th, 29th, 30th, 31st and November 1st from noon to 9 p.m. and Saturday, November 2nd and Sunday, November 3rd from noon to 6 p.m. Supervisor Drake advised that the Town will receive a small stipend from the Board of Elections for the use of our building.

Supervisor Drake noted that Zoar Valley Road is in deplorable condition. Steve Bugary, Chief of the Mortons Corners Fire Company, reached out to Legislator Mills and a public meeting has been scheduled for Thursday, September 26th at 6 p.m. at the Mortons Corners Fire Hall. Local, State and Federal officials have been invited to attend to discuss potential solutions.

j) **Ryan Storke Solar Farm** – Ryan Storke arrived at 7:35 p.m. and brought the Board up to date with regard to the Genesee Road Solar Energy Solar project. Mr. Storke provided the Board with their September 2019 Project Update and a map showing the parcels currently under lease. Currently 1,651 acres are under lease. Mr. Storke reviewed the Article 10 permitting process which covers any energy project greater than 25megawatts and is administered by the NYS Public Service Commission. As part of this process, at least 4 public meetings are required. There was a public open house on August 7th in East Concord; the next one will be probably will be held in Sardinia.

Mr. Storke advised that the Public Involvement Program (PIP) will be filed late September. This is a part of the Pre-Application Phase. Mr. Storke explained that two local appointments can be made to the Siting Board. This is accomplished during the Application Phase.

There was discussion regarding chickens in the project area instead of sheep grazing underneath the panels. Mr. Storke noted that free range chickens will not be an option but controlled range chickens is what is being documented now. Sheep can be used instead of mechanical mowing. Mr. Storke also pointed out that there will be no spraying done.

Councilman Drozd questioned the local benefits with regard to employment and housing. Approximately 300 jobs are anticipated during the peak construction phase with an estimated 5 full-time permanent jobs for operation and maintenance. When possible, the project will also use locally sourced materials/supplies.

Town Atty Attea asked how the project will connect non-contiguous parcels. Easements will be obtained for the underground collector systems which will connect the parcels together. The underground cables will be buried 4 feet deep. The cables can go under the roads as well. There will be no permanent structures on the easement lands.

Mr. Storke asked the Board to consider issuing a Letter of Support from the Town. This would assist their project with their application process. Mr. Storke thanked the Board for their time and left the meeting at 8:05 p.m.

ITEM #6. EXECUTIVE SESSION

Supervisor Drake advised that the Board would need an Executive Session to discuss pending litigation and personnel matters. There may or may not be action taken after Executive Session. Hwy Supt Dains will be included in the Executive Session. Prior to going into Executive Session, the Board continued with the balance of tonight's Agenda.

ITEM #7. CONSENT AGENDA

There was nothing for Consent Agenda

ITEM #8. COUNCILMAN NOTES

- a) Councilman Drozd advised that the stumps have been removed at the Hulbert Library.
- b) Councilman Drozd had contact with Susan Westfall regarding the LED street lighting. The Town is still on schedule for this year to have the street lights converted to LED.
- c) Councilman Zittel noted that Marion Ahles celebrated her 103rd birthday with a birthday party at the Senior Center.
- d) Councilman Zittel advised that there will be a Hazardous Waste Drop-off at the Erie County Highway Department on Sibley Road on September 14th. You must pre-register for this event.
- e) Councilman Zittel advised that on Sunday, September 15th the Genesee Road Bridge will be dedicated to Brian Baker.
- f) Councilman Zittel noted that Oktoberfest will be held September 28th.
- g) Supervisor Drake advised that the rugs in the Town Hall building were cleaned.
- h) Supervisor Drake advised that there is an electrical problem at the Town Hall building with the switch to the outdoor lights at the front of the building. The carpet cleaning company noticed sparks and smoke at this outlet. Supervisor Drake contacted Dynamic Electric and it appears that there is corrosion and moisture making the switch short out. Supervisor Drake authorized Dynamic Electric to repair the switch; the repair will cost approximately \$566. This is a safety issue at this point.
- i) Supervisor Drake attended a conference hosted by Drescher & Malecki. This conference dealt with budgets. It was very informational and he learned quite a bit.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to go into Executive Session at 8:12 p.m. for the purpose of pending litigation and personnel matters. There may or may not be action taken after the Executive Session. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake invited Hwy Supt Dains into this Executive Session.

Motion by Councilman Drozd, seconded by Councilman Zittel, to come out of Executive Session at 9:25 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake advised that no action will be taken.

ITEM #9. MOTION TO ADJOURN

Motion by Councilman Snyder, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 9:26 p.m. in memory of:

Robert A. Schunke
Marilyn Bowman
Hon. William E. Montgomery
Rhonda M. Kearns-Sullivan
Serene Ann Hartman



Darlene G. Schweikert
Town Clerk