

TOWN OF CONCORD TOWN BOARD MEETING
7:00 p.m. December 10, 2020

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, II, COUNCILMAN
PHILIP DROZD, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
BRIAN F. ATTEA, Town Atty
BARRY A. EDWARDS, Hwy Supt
CAROLYN ROBINSON, Dog Control Officer

MAX BORSUK, Springville Journal GEORGE DONHAUSER
BEN SLOTMAN

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1: APPROVAL OF MINUTES

Supervisor Drake noted that there was a Work Session on November 14, 2020. Supervisor Drake asked for a motion to add Item (a) Work Session to the Agenda. Motion by Councilman Krezmien, seconded by Councilman Snyder, to add (a) Work Session on November 14, 2020 to the Approval of Minutes. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

a) Work Session – 11/14/2020 - 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 – 11/14/2020 – 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.

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-g. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

- a) Code Enforcement Officer – November 2020
- b) Dog Control Officer - November 2020
- c) Supervisor Report – October 2020
- d) Town Clerk Report – November 2020
- e) Judge Gibbin – October 2020
- f) Judge Frank – October 2020
- g) Van Report – November 2020

h) Highway Report - Hwy Supt Edwards read his report. His report is included in the Minute Book.

Motion by Councilman Drozd, seconded by Councilman Zittel, to accept the Highway 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 moved Agenda Items (d) and (e) to the beginning of New Business since Ben Slotman is in attendance and Mr. Slotman would be able to leave after these items were discussed.

- d) Craneridge Sewer Operating Agreement 2021
- e) Kissing Bridge Sewer Operating Agreement 2021

Supervisor Drake advised that Ben Slotman had been working for MDA Engineers and worked on the Craneridge and Kissing Bridge sewer projects. Mr. Slotman has accepted a new job with Ellicottville and MDA Engineers does not want to stay in the business of continuing these management services for the Town. Mr. Slotman approached Supervisor Drake to see if the Town would consider an Intermunicipal Agreement with Ellicottville. These Agreements are a result of those conversations. Mr. Slotman noted that when he was working with MDA Engineers, the plan was for him to get his license and be the long-term solution of being the operator at the plant; leaving MDA Engineers left MDA Engineers without the ability to get someone trained to do that. Mr. Thoman's class license is renewed for now but he is not in the process of looking to renew his license; he is not doing the continuing education to be able to maintain the license so in the next four years there needs to be someone else licensed to be able to do this. Mr. Slotman has the hours in at the plant and is now eligible; he has signed up for the classes, registered for them and is waiting for confirmation that these classes will take place next year pending COVID. The original plan changed when Mr. Slotman took his new position but the benefit is that through his new position, he can still offer that service to the Town. It would just be a different agreement than it was with MDA Engineers. He is not looking to be our engineer; he would be the operator at this point. This agreement would be beneficial to the Town because he does have a sewer department now. He will be moving some of his personnel around a bit because his man sewer operator is retiring. There will be changes made in his personnel which would allow them to get started with the Town and this should work out very well for both the Village of Ellicottville and the Town. They would be able to respond to some of the issues where the Town had to use outside contractors and hopefully it could be handled in house; and be that emergency call network. Mr. Slotman believes this agreement would work out well. The Village of Ellicottville plant right now is a Grade 1 plant which is a bigger plant and more involved. The Town plant is a 2A, which is an activated sludge license which Ellicottville is not. His current personnel's license does not allow them to run the Town's plant so that is where Mr. Thoman is still the key point; but Mr. Slotman does have the hours now and is in the process of getting that license. After that he is hopeful that with his personnel, he would be able to get to a point where there is a person trained and licensed so the personnel would be capable of handling these daily duties. Mr. Slotman has personnel that are interested in this training. Mr. Slotman would be using his personal vehicle; the personnel that he would be sending up to the Town would most likely be using the Ellicottville vehicles which are marked. Councilman Drozd noted that this is really a first; crossing county lines to do an Intermunicipal Agreement. It may be a good to send a letter out to Craneridge so that they are aware of this Agreement and the Ellicottville vehicles. Councilman Krezmien recalled that County Executive Poloncarz wanted the Town to send in a list of shared services. Supervisor Drake and Mr. Slotman have discussed this agreement with Mr. Thoman and he is on board; he is willing to stay on and continue through this transition again as he has in the past. MDA Engineers is also aware of this agreement and are on board. Supervisor

Drake spoke with Caleb Henning, MDA Engineers and there is no question that MDA Engineers want to get out of this agreement. This would be a long-time solution; he would be able to pull personnel from this sewer and water departments. Mr. Slotman advised that Donald Wittmeyer will be retiring at the end of the year and will not be making the transition; he was thanked for his services; he did a great job!

d) Craneridge Sewer Operating Agreement 2021 - Supervisor Drake had provided the members with the Intermunicipal Agreement with the Village of Ellicottville for Craneridge Sewer. Motion by Councilman Drozd, seconded by Councilman Krezmien, to approve the Intermunicipal Agreement with the Village of Ellicottville and authorized Supervisor Drake to sign the Agreement. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

e) Kissing Bridge Sewer Operating Agreement 2021 - Supervisor Drake had provided the members with the Intermunicipal Agreement with the Village of Ellicottville for Kissing Bridge Sewer. Motion by Councilman Drozd, seconded by Councilman Krezmien, to approve the Intermunicipal Agreement with the Village of Ellicottville and authorized Supervisor Drake to sign the Agreement. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake signed the two Agreements. Mr. Slotman will present these Agreements to the Village of Ellicottville on December 14, 2020.

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

General Fund A, abstract 12, bills 1135-1189; \$78,499.24
 General Fund B, abstract 12, bills 1190-1194; \$1,823.45
 Library Fund, abstract 12, bills 1195 & 1236; \$5,352.81
 Fire Protection, abstract 12, NONE
 Joint Van, abstract 12, bills 1196-1202; \$2,929.35
 Joint Youth, abstract 12, bills 1204-1210; \$4,147.62
 Craneridge Lighting, abstract 12, bill 1203; \$1,598.03
 Highway DA, abstract 12, NONE
 Highway DB, abstract 12, bills 1211-1227; \$51,903.75
 Kissing Bridge Water, abstract 12, bills 1228-1230; \$780.47
 Kissing Bridge Sewer, abstract 12, bills 1231-1234; \$3,731.00
 Trevett Rd. Water, abstract 12, NONE
 Cattaraugus St. Water, abstract 12, bill 1235; \$1,396.00
 Trust & Agency, abstract 12, NONE
 Capital (HA) Craneridge Sewer, abstract 12, NONE
 Capital (HB) Land, abstract 12, NONE
 Capital (HD) Catt St, abstract 12, NONE
 Capital (HE) Sr. Cu, abstract 12, NONE
 Capital (HF) Hwy Equip, abstract 12, NONE
 Capital (HG) Waste Study, abstract 21, NONE

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

b) Erie County Agreement - Agriculture Grant. Supervisor Drake advised that the Town was approved for the \$9,500.00 grant from Erie County to work on updating the Town's Comprehensive Plan, the Solar Law and any zoning changes the Town may want to make. There is a packet that requires completion and a Resolution stating that the Town agrees to accept the Intermunicipal Agreement between the County and the Town for the \$9,500.00.

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

BE IT RESOLVED that the Town Board of the Town of Concord accepts the Intermunicipal Agreement between the County of Erie and the Town of Concord which will provide \$9,500.00 from Erie County to update the Town of Concord Comprehensive Plan, the Town's Solar Law, and possible Zoning Ordinance changes to better address agricultural land use with the Town of Concord.

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) Mobile Home Permit – Perkins – Motion by Councilman Snyder, seconded Councilman Krezmien, to approve the renewal of the Perkins Mobile Home Court. CEO Singleton had already approved the permit. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake advised the Board that CEO Singleton sent a letter to the other mobile home park on North Street because for years the CEO has found violations and the park is not correcting the violations. The Town has received no response from the owner.

f) Planning Board – Reappoint James Jozwiak – James Jozwiak's term on the Planning Board ends December 31st. He has agreed to a reappointment to the Board. Supervisor Drake advised that the Planning Board will meet in January prior to the Organizational Meeting night so this reappointment should be completed tonight. Motion by Councilman Zittel, seconded by Councilman Drozd, to reappoint James Jozwiak to the Planning Board for the term January 1, 2021 to December 31, 2027. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

g) Organizational Meeting Date – Supervisor Drake would like to set the Organizational Meeting for Thursday, January 14, 2021 at 6:30 p.m. and the regular Town Board Meeting would follow. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set the Organizational Meeting for Thursday, January 14, 2021 at 6:30 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

h) January Meeting Date – Motion by Councilman Snyder, seconded by Councilman Krezmien, to set the regular January Town Board meeting for Thursday, January 14, 2021 at 7 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #6: EXECUTIVE SESSION

Supervisor Drake advised the Board that Town Attorney Attea would like an Executive Session for litigation update. Motion by Councilman Krezmien, seconded by Councilman Zittel, to go into Executive Session at 7:25 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake asked Highway Superintendent Edwards to attend the Executive Session.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to come out of Executive Session at 7:58 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #7: CONSENT AGENDA

There was nothing for Consent Agenda.

ITEM #8: COUNCILMAN NOTES

- a) Councilman Zittel advised that the East Concord Fire Department's new sign is up and running. The Department will be having a drive-through Chicken BBQ on January 3, 2021, starting at 12 noon.
- b) Supervisor Drake advised the Board that looking forward to next year, he will be looking for the members to participate on committees for the following: the solar project on Genesee Road, the Comprehensive Plan, the Solar Law, Community Park. The Talk of the Towns latest had an article on a mandate for a new emergency planning requirement for NYS Towns. The Town will have to come up with an emergency plan which will be due by April 1st. This plan would protect our employees during a public health emergency which is critical for operational continuity. Supervisor Drake believes that each Department Head will need to be involved in the drafting of this plan. The Town also needs a Fund Balance Policy and should review the Town's Investment Policy. Supervisor Drake asked the members to decide what matters they would like to be involved in. There will also be the monthly Fire Department meetings.
- c) Supervisor Drake wished everyone a Merry Christmas. Councilman Zittel echoed his Merry Christmas!

ITEM #9: MOTION TO ADJOURN

Motion by Councilman Drozd, seconded by Councilman Snyder, and passed unanimously, to adjourn the meeting at 8:03 p.m. in memory of:

Lillian Case
John N. Faulring
Phoebe Ornce
Robert H. Bacon
W. Gerald Weismantel
Maryama Jackson
Joseph E. Snyder
Patrick Flynn



Darlene G. Schweikert
Town Clerk