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

May 12, 2022

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR, at 7:00 p.m.

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY KIMBERLY KRZEMIEN

ROLL CALL:

PHILIP DROZD, SUPERVISOR

CLYDE M. DRAKE, COUNCIL MEMBER KENNETH D. ZITTEL, COUNCIL MEMBER WILLIAM F. SNYDER, III, COUNCIL MEMBER KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

ALSO PRESENT:

DARLENE G. SCHWEIKERT, Town Clerk

BARRY A. EDWARDS, Hwy Supt. BRIAN F. ATTEA, Town Attorney

CAROLYN A. ROBINSON, Dog Control Officer THOMAS ROBERTS, Code Enforcement Officer

GEORGE DONHAUSER CORRINNE SALVESEN DAVID STAHLEY DONNA SCHWEICKERT SHIRLEY QUICK JENNIFER BOGNAR

### ITEM #1 APPROVAL OF MINUTES

- a) Work Session 04/14/2022 and 04/28/2022 Motion by Council Member Drake, seconded by Council Member Zittel, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried
- b) Town Board Meeting 04/14/2022 Motion by Council Member Snyder, seconded by Council Member Zittel, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.
- c) Special Town Board Meeting 05/05/2022 Motion by Council Member Drake, seconded by Council Member Zittel, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.
- d) Bid Opening (Highway Department Drainage Project) 05/06/2022-Motion by Council Member Snyder, seconded by Council Member Krzemien, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

### ITEM #2 PUBLIC COMMENT

Supervisor Drozd opened the floor for Public Comment.

- a) Carolyn Robinson asked if there was any update from the DMV about coming back to the Town Hall. Supervisor Drozd has not yet heard back from the County.
- b) CEO Roberts advised that he has a code issue he would like to address with the Board; it is time sensitive and would need an Executive Session. Town Atty Attea advised that he would talk to CEO Roberts after the meeting.

No one else wished to address the Board. Motion by Council Member Drake, seconded by Council Member Zittel, to close Public Comment. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

## ITEM #3 MONTHLY REPORTS

Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve the Monthly Reports, Items a-f. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

- a) Code Enforcement Report April 2022
- b) Dog Control Officer Report April 2022
- c) Town Clerk Report April 2022
- d) Van Report March 2022
- e) Historians Report April 2022
- f) Judge Frank Report April 2022
- g) Highway Report Hwy Supt Edwards read his filed report. His report is included in the Minute Book. Hwy Supt Edwards advised that the cemetery stones at the Mortons Corners Cemetery are not straight; they will need some footers. Supervisor Drozd will check into this before the next meeting.

Hwy Supt Edwards reviewed the Agreement to Spend Town Highway Funds with the Board. Motion by Council Members Drake, seconded by Council Member Zittel, to accept the Agreement to Spend Town Highway Funds as proposed by Hwy Supt Edwards. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. The Agreement was signed by the Town Board.

Motion by Council Member Krzemien, seconded by Council Member Snyder, to accept the Highway Report. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

# ITEM #4 OLD BUSINESS

- a) Craneridge Sewer Plant Pump Ordered Supervisor Drozd advised that this pump was approved at the February meeting. The vendor found one and it will be shipped to the Highway Department because it is very large and the Highway Department will deliver it when they are ready. The cost was about \$2,000 for the pump and the other part was about \$800.
- b) Flow Meters & Chlorination System Upgrades Performed These upgrades were completed last week. This project is completed.
- c) Senior Center Alarm System A quote was received from Amherst Alarm, Inc., for the same system as the Bensley Center. The total quote was \$10,547. Doyle Security was \$12,965 and Doyle also has the higher fire monitoring per month charge. This purchase would come from the American Rescue Plan Act (ARPA) Fund. Council Member Snyder noted that it makes sense to keep it with the same company and they are the low bid. Council Member Drake noted that the other company was not good. Motion by Council Member Drake, seconded by Council Member Zittel, to approve the Amherst Alarm, Inc., quote of \$10,547 for the alarm system for the Senior Center. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.
- d) Elevator Maintenance Company Quote The representative from Elevator Maintenance of Buffalo was here at Town Hall all day looking the elevator over from top to bottom. The amount is just under the threshold for procurement without going to bid but the Town does not have to go to bid on this because this is the company, the sole source, to have the company who has been doing the maintenance on the elevator. This would also come out of the ARPA funds. Motion by Council Member Snyder, seconded by Council Member Zittel, to approve the Elevator Maintenance of

Buffalo Proposal in the amount of \$34,950. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

e) Approve Final Senior Center Rental Agreement - Supervisor Drozd noted that this is the final Senior Center Rental Agreement. Town Atty Attea has looked at it. There are a few people who have already talked to Senior Director Eschborn about renting the Center. The employees at the Center would get a couple extra hours of work once this is approved. Bob Schueler, our alternate custodian, would be willing to pick up a couple hours if it gets rented out. Town Clerk Schweikert will work with Senior Director Eschborn coordinating rentals and payment. Mrs. Schweickert asked for an explanation of the rental. She belongs to a nature group of about 10 people and they would like to meet at the Senior Center. Is this something that needs to be rented out or can people just use it? Supervisor Drozd advised that the Center just can't be used; that is the reason for the rental agreement. Mrs. Schweickert asked where people could go to do something like that? Supervisor Drozd noted that the Town Hall building has rentals for \$25/use. The Senior Center rental is geared for bigger events. The fee is \$250 for 3 hours and \$350 for 4 hours. The Town needs to have an employee on premises and Erie County requests that the Center gets cleaned by the cleaning service after the event because the Center does serve food. Motion by Council Member Krzemien, seconded by Supervisor Drozd, to approve the final Senior Center Rental Agreement. Council Member Krzemien; Supervisor Drozd, voting aye. Council Members Drake, Zittel & Snyder voting nay. Motion failed.

Supervisor Drozd asked for a motion to add (f) Award the Highway Department Drainage Project and (g) Approve Salt Barn quote. Motion by Council Member Snyder, seconded by Council Member Zittel, to add (f) and (g) to the Agenda. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

- f) Award the Highway Department Drainage Project The Bid Opening was held on May 6, 2022. The Town received three bids: Cappella Constructions Services \$108,904; J. Bognar Construction \$83,100 and Highland Acres Landscaping \$97,700. Motion by Council Member Drake, seconded by Council Member Zittel, to award the Highway Department Drainage Project to J. Bognar Construction for \$83,100. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Supervisor Drozd thanked Jennifer Bognar for attending the meeting and the Town looks forward to working with her. Ms. Bognar advised that the multi-drain, catch drain, is 4-5 weeks' out and since the Base Bid Plus Alternate No. 1 as approved, they will get it ordered. Hwy Supt Edwards reminded the Board that Bognar's price of \$83,100 but the Town is purchasing the box culverts which will be about \$12,000. It was cheaper for the Town to purchase these culverts. Hwy Supt Edwards also noted that there will be another cost for the Highway Department. Safety Clean came around last week; they are going to all garages now. They wanted to know where the oil goes, where our filter goes, and the solvent from the parts machine. There will then be a record of where the waste oil and filter goes besides in the dumpster. This is not in the highway budget, Supervisor Drozd noted that when he was Hwy Supt, the Town had a company that picked up the waste oil and filter; not sure where it happened that the Town got out of that system. With the problems with the DEC, Supervisor Drozd told Hwy Supt Edwards to get it done. Receipts need to be recorded noting where the waste oil is going so it can't go to private individuals.
- g) Approve Salt Barn Quote This has been discussed by the Members for a couple months. The bids to replace the building were about \$64,000 to \$34,000. All contractors were called back and a couple of the contractors would not quote for repairs. Vacinek Heating & Roofing, Inc., submitted a Proposal for \$8,100. The ARPA Funds would be used for this project; this is necessary to avoid any further DEC problems. Motion by Council Member Zittel, seconded by Council Member Snyder, to approve Vacinek Heating & Roofing, Inc., Proposal in the amount of \$8,100. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Hwy Supt Edwards will notify the contractor.

## ITEM #5 NEW BUSINESS

 a) Audit of the Bills – Supervisor Drozd stated that these bills were audited by Council Member Krzemien, and reviewed by the Board.

> Year 2022 Abstract 5: General Fund A, abstract 5, bills 427-505; \$102,472.59 General Fund B, abstract 5, bills 506-519; \$2,796.31 Library Fund, abstract 5, bills 520-521; \$377.40 Fire Protection, abstract 5, bill 522, \$4,778.63 Joint Van, abstract 5, bills 523-526; \$1,042.68 Joint Youth, abstract 5, NONE Craneridge Lighting, abstract 5, bill 527; \$2.202.67 Craneridge Sewer, abstract 5, bills 528-539; \$34,988.72 Highway DA, abstract 5, bill 540; \$5,350.50 Highway DB, abstract 5, bills 541-559; \$21,055.66 Kissing Bridge Water, abstract 5, bills 560-562; \$350.69 Kissing Bridge Sewer, abstract 5, bills 563-564; \$798.00 Trevett Rd. Water, abstract 5, NONE Cattaraugus St. Water, abstract 5, bills 565-566; \$2,729.79 Trust & Agency, abstract 5, NONE Capital (HA) C. Sewer, abstract 5, NONE Capital (HB) Land, abstract 5, NONE Capital (HD) Catt St, abstract 5, NONE Capital (HE) Sr. Ctr, abstract 5, NONE Capital (HF) Hwy Equip, abstract 5, NONE Capital (HG) Waste Study, abstract 5, NONE

Motion by Council Member Krzemien, seconded by Council Member Snyder, to approve the bills as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

b) Budget Transfers Year End 2021 – Council Member Drake advised that he, Supervisor Drozd and Bookkeeper Timmel met with the accountants several times and these are budget entries; adjustments that accountant wants to make because they did not like the account that items were put in. These are in dollar amounts and his concern is that the rounding of the amounts might cause some accounts to be in a deficit and be in the red. He would like to make a motion to accept the entries but to leave Bookkeeper Timmel the ability to adjust the "cents" so that an account does not go negative. These adjustments were recommended by the Auditor. Motion by Council Member Drake, seconded by Council Member Zittel, to accept the journal entries for budget as proposed by the Auditors and leaving Bookkeeper Timmel the ability to adjust the "cents" rather than have an account with a few cents in the red. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

The journal entries are as follows:

Account #	Account Description	Increase/(Decrease)
A1220.2	SUPERVISOR - COPIER, COMPUTER EC	OUIP 604.00
A1220.2 A1220.49	SUPERVISOR - MISC	462.00
A1355.40	ASSESSMENT - SUPPLIES 109.00	
A1333.40 A1420.41	LAW - SPECIAL LEGAL COUNSEL	5,470.00
A1420.41 A1620.42	BLDG - MAINTENANCE	6,150.00
A1620.42 A1620.43	BLDG - ELEVATOR	126.00
A1989.41	POSTAGE	1,192.00
A1989.8	OTHER GENERAL GOVT SUPPORT	
A1707.0	payment to Erie County	23,720.00
A1220.40	SUPERVISOR - SUPPLIES	(604.00)
	SUPERVISOR - TRAVEL	(462.00)
A1220.47	ASSESSMENT - EQUIP	(109.00)
A1355.2	CONTINGENCY ACCOUNT	(5,470.00)
A1990.4	BLDG - PERSONAL SERVICES	(6,150.00)
A1620.1	DPDQ - I DISPOSATE PRICATORS	• •

A1620.49	BLDG - MISC	(126.00)
A1989.42	TELEPHONE	(1,192.00)
A1990.4	CONTINGENCY ACCOUNT	(23,720.00)
A3510.1	CONTROL OF DOGS - PERSONAL SERV	69.00
A3510.49	CONTROL OF DOGS - MISC	97.00
A3510.47	CONTROL OF DOGS - TRAVEL	(166.00)
A5010.2	HIGHWAY ADMIN - COMPUTER SOFT	829.00
A5132.40	GARAGE - SUPPLIES	3,005.00
A5132.49	GARAGE - MISC	2,133.00
A5010.1	HIGHWAY ADMIN - PERSONAL SERV	(829.00)
A5132.41	GARAGE – UTILITIES	(4,914.00)
A5132.2	GARAGE - SAFETY EQUIP	(224.00)
A6772.49	PROGRAMS FOR AGING - MISC	7.00
A6772.45	PROGRAMS FOR AGING - ADVERT SR.CTR	(7.00)
A7110.40	PARKS - SUPPLIES	751.00
A7110.49	PARKS - MISC	577.00
A7110.2	PARKS – EQUIP	(1,328.00)
B3120.41	POLICE - TRAFFIC CONTROL	194.00
B8010.47	ZONING - TRAVEL	(194.00)
B8684.49	PLANNING AND MGMT DEVELOP	8,000.00
B8810.49	CEMETERIES SUPPORT	275.00
B8010.41	ZONING - CEO CELL PHONE	21.00
B8010.1	ZONING - PERS SERV	(4,262.00)
B8010.2	ZONING - EQUIP	(1,760.00)
B8020.48	PLANNING - UPDATE CODE BOOKS	(1,505.00)
B8010.40	ZONING - SUPPLIES	(769.00)
DB5110.42	GENERAL REPAIRS - CHIPS	13,781.00
DB5110.43	CHIPS - EXTREME WINTER WEATHER	(8,386.00)
DB5130.20	MACHINERY - EQUIP	(5,395.00)
DB5130.20	MACHINERY - EQUIP	8,682.00
DB5110.49	GENERAL REPAIRS TOWN HWYS	(8,682.00)
JV6772.42	PROGRAMS FOR AGING - REPAIRS	157.00
JV6772.49	PROGRAMS FOR AGING – MISC	(157.00)
SS1-8130.40	SEWAGE - SUPPLIES	7,036.00
SS1-8130.47	SEWAGE - TESTING	317.00
SS1-8130.48	SEWAGE - PROF SERV	2,704.00
SS1-8130.45	SEWAGE - REPAIRS	(10,057.00)
SS2-8110.49	SEWER ADMIN - MISC	3,906.00
SS2-8110.41	SEWER ADMIN - CONTR	(3,906.00)
SW1-8389.49	MAINT - MISC	1,781.00
SW1-9040.8	WORKERS COMPENSATION	262.00
SW1-8389.1	MAINT - PERS SERV	(598.00)
SW1-8389.41	MAINT - OPERATION	(1,380.00)
SW1-9010.8	STATE RETIREMENT	(19.00)
SW1-9030.8	SOCIAL SECURITY	(46.00)
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# Budget Amendments

Home and Commun	ity Service	
A8689	COMMUNITY DEVELOPMT BLK GRANT	100,476.00
A3089	STATE AID	(60,000.00)
	Revenue available	(40,476.00)
	Unassigned fund balance	
Highway Part-Town	Fund	
DB5110.42	GENERAL REPAIRS - CHIPS	60,291.00
DB3501	ST AID, CONSOLIDATED HIGHWAY AID	(60,291.00)
DB5130.20	MACHINERY - EQUIP  Lease total balance	85,662.00

DB5789	Other Debt - Proceeds from Capital Lease	(85,662.00)
Sewer #2 SS2-8110.49	SEWER ADMIN - MISC Unassigned fund balance	2,587.00 (2,587.00)
Water #1 SW1-8389.49	MAINT - MISC	675.00 (675.00)

- c) Municipal Solutions Contract -- Council Member Drake advised that he does not feel this contract needs to be on the Agenda. Municipal Solutions charges the Town \$225 to submit the financials to the people who gave us the loan and this was approved as part of the bonding process. The Town does not want to do this submission on their own. Supervisor Drozd can sign this Contract without any approval by the Town Board.
- d) Nurses Week Resolution Supervisor Drozd resolved that we celebrate Nurse's Week, their accomplishments and efforts to improve our health care system.

Council Member Zittel moved the adoption of Resolution 11, seconded by Council Member Drake:

WHEREAS, registered nurses in the United States constitute our nation's largest health care profession, and

WHEREAS, the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings, including the frontline of the pandemic, and

WHEREAS, the American Nurses Association, as the voice for registered nurses in this country, is working to chart a new course for a healthy nation that relies on increasing access to primary and preventive health care, and better utilization of all our nation's registered nursing resources, and

WHEREAS, professional nursing is an indispensable component of the safety and quality of care of hospitalized and non-hospitalized patients, and

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging of the American population, emerging health challenges, the continuing expansion of life-sustaining technologies, and the explosive growth of home health care services, and

WHEREAS, more qualified registered nurses are needed in the future to meet the increasingly complex needs of health care consumers in this community, and

WHEREAS, the cost-effective, safe, and high-quality health care services provided by registered nurses will be an increasingly important component of the United States health care delivery system in the future, and

WHEREAS, the International Council of Nurses, the American Nurses Association, and the Professional Nurses Association of WNY has declared May as Nurses Month, with the theme "You Make a Difference," with appreciation for nurses' unparalleled impact during the pandemic, and their contributions to health care, and an open invitation to #ThankaNurse for enriching our lives and the world we live in,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord, asks that all residents of this Town of Concord join them in honoring the registered nurses who care for all of us, and

BE IT FURTHER RESOLVED, that the residents of the Town of Concord celebrate registered nurses' accomplishments and efforts to improve our health care system and show our appreciation for the nation's registered nurses not just during this month, but at every opportunity throughout the year.

### Voting as follows:

Council Member Drake	Aye
Council Member Krzemien	Aye
Council Member Snyder	Aye
Council Member Zittel	Aye
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

e) Springville Country Club 100 Year Anniversary Resolution – Supervisor Drozd was advised that the Springville Country Club is going to celebrate their 100 Year Anniversary this month. Supervisor Drozd thanked Deputy Town Clerk Bacon who researched the information for this Resolution.

Council Member Zittel, moved the adoption of Resolution 12, seconded by Council Member Snyder:

WHEREAS, on April 29<sup>th</sup>, 1922 Springville Country Club was incorporated after Buffalo Rochester and Pittsburg Railroads sold Cascade Park to the Springville Community Group, led by Glenn Scobey "Pop" Warner and Dr. Ralph B. Waite; and

WHEREAS, in April 1922, Pop Warner was elected as the first President of Springville Country Club; and

WHEREAS, in the summer of 1922, nine holes of golf were designed by Pop Warner and Dr. Waite. Members of Springville Country Club volunteered in a labor of love to clean up the course by cutting trees, helping with landscaping and picking up the rocks in the new fairways.; and

WHEREAS, in 1950, the course was expanded to make it an 18-hole club; and

WHEREAS, in 1959, Ange Alberico was hired as the Club's Head Golf Professional and manager of the clubhouse; and

WHEREAS, in 1964, construction began on a new set of nine holes, a new watering system and a new clubhouse, with official opening ceremonies on August 15<sup>th</sup>, 1965; and

WHEREAS, in June 1965, Roger Bugenhagen was hired as the Grounds Superintendent for the next 44 years; and

WHEREAS, in 1982, past President, George Schichtel, donated over 2,000 trees to be planted on the grounds; and

WHEREAS, in November 1990, Dave Thomas was hired as the Head Golf Professional, after Ange Alberico's retirement; and

WHEREAS, on May 8th, 2006, the Pro Shop burned, was rebuilt and completed in 2007; and

WHEREAS, total membership of Springville Country Club in 2021 was 330 golfers; and

WHEREAS, past members have included: Glenn Scobey "Pop" Warner, hall of fame college football coach who made many innovations to the sport of football, Dr. Ralph B. Waite, famous dentist who invented the use of novocaine in dentistry, George Schichtel, local nurseryman known as "King of the Shade Trees", and the Honorable Thomas M. Reynolds, Representative of the State of New York in the US House of Representatives; and

WHEREAS, this year the Springville Country Club will celebrate their 100<sup>th</sup> year anniversary of business:

NOW, THEREFORE, BE IT RESOLVED, the Concord Town Board celebrates the Springville Country Club on this milestone.

### Voting as follows:

Council Member Drake	Aye
Council Member Krzemien	Aye
Council Member Snyder	Aye
Council Member Zittel	Aye
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

- f) Maplewood Cemetery (Springville Rural Cemetery Association)
  Request for Yearly Stipend Supervisor Drozd received the Maplewood Cemetery
  request for \$1,500 stipend that the Town grants the Cemetery annually. This is their
  official request for the stipend. Council Member Drake will make the motion because
  they are trying hard to keep that Cemetery in local hands and not turn it over to the Town.
  Motion by Council Member Drake, seconded by Council Member Zittel, to approve the
  payment of \$1,500 to the Springville Rural Cemetery. Council Members Drake, Zittel,
  Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.
- g) Morton Road Culvert Bid This was reviewed during Work Session earlier this evening. Motion by Council Member Zittel, seconded by Council Member Krzemien, to put the Morton Road Culvert project out to bid. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.
- h) Library Parking Lot Bid This was reviewed during Work Session earlier this evening. Motion by Council Member Drake, seconded by Council Member Zittel, to put the Hulbert Library Parking Lot project out to bid. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.
- i) \$10,300 Western Star Truck Surcharge Supervisor Drozd noted that this was addressed this a month ago but the Western Star Truck that is on order came up with another surcharge of \$10,300. Supervisor Drozd noted they can do this; this bid was under a Cattaraugus County bid and the bid had a clause in it for 3% escalation clause. The contract price must remain firm for one model year; an escalator clause with a guarantee but not to exceed 3% maximum per model year can be requested in writing by successful bidder prior to the County ordering any additional trucks off this contract for the next model year. Fleet Maintenance did their homework on raising the price this way. He spoke with the Cattaraugus County purchasing director regarding this surcharge. Erie County purchasing bids out right now does not have this escalation clause in it but the County is getting pressured to put in these escalation clauses in future contracts. Supervisor Drozd needs the Board authorization to sign this \$10,300 surcharge. Motion by Council Member Zittel, seconded by Council Member Drake, to authorize Supervisor Drozd to sign this \$10,300 escalation clause. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Hwy Supt

Edwards advised that this surcharge amount has to come out of the CHIPS account. Most highway departments do not touch this CHIPS money; they use Road Repair funds. This is how those towns purchase equipment. Hwy Supt Edwards noted that he's just about giving up on the second truck. At the same time, they are not getting any cheaper.

- j) Closing Checklist Duties for Senior Center Employees Supervisor Drozd had a couple meetings with the Senior Center employees. In addition to their civil service job title, the Town can add local duties. These duties were discussed by the Board at an earlier Work Session. This has been reviewed by Town Atty Attea; some wording was changed (the disciplinary action); it is all basic stuff. This checklist will be signed by the employee when they leave; this will ensure that the Center is locked up and secure. Council Member Zittel questioned if new hires should sign something to accept these job duties. Supervisor Drozd noted that this could be done for new hires together with the civil service job description. Motion by Council Member Zittel, seconded by Council Member Snyder, to approve the Closing Checklist Duties for Senior Center Employees. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.
- k) Part Time Laborer Duties for Town Hall & Senior Center Supervisor Drozd reminded the Board that there was a Special Town Board Meeting to hire the new caretaker. Terry Ried retired and the Board hired Wayne Ott. Mr. Ott had extensive experience. Town Clerk Schweikert, Council Member Drake and Supervisor Drozd worked on a list of tasks. Supervisor Drozd advised that Mr. Ott is a part-time laborer and will be working four 4-hour days and one 3-hour day. Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve the Custodian/Caretaker Tasks list. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.
- 1) Springville Garden Club Request Supervisor Drozd welcomed the members from the Springville Garden Club who were in attendance. The Club had sent a letter to the Town and the sample Release has been reviewed by Town Atty Attea. The Club is requesting use of the side lawn for the purpose of distributing their booklets for the Annual Garden Walk to be held on July 9, 2022. There would be a couple of tables would be set. Since the Town Hall will not be opened, the rental fee is not being charged. Town Atty Attea and our insurance carrier advised that anybody participating in the event will need to sign a Release form. This Release is to protect the Town from any lawsuits from anyone falling on sidewalks or tripping on someone else's property. If a participant will not sign, the Town suggests that the Club advise the person not to participate in the event. The Club will also be having a plant sale using a pop-up tent with hanging baskets on it. The Club questioned the number of people who could be on the premises at one time; the public will be coming and going. Town Atty Attea said there would be no set limit for the space; the limit is going to be when the police show up and say there are too many people. The Club had used the gazebo in the past and asked if they could have a member stand near the gazebo to answer questions. The gazebo is not a Town park. Town Atty Attea advised that there is nothing preventing the Club from standing there. Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve the Springville Garden Club's request to use the use of the side lawn at the Town Hall on July 9, 2022, for their Annual Garden Walk event. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Mrs. Schweickert asked who was appointed from the Town Board to be the liaison between the Board and the Senior Center. If they have issues that come up, who do they to? Council Member Drake advised that that falls on the Supervisor. Mrs. Schweickert explained a situation with a Garden Club member who has been told that she is banned from the Senior Center. The Board is not aware of this situation. Town Atty Attea advised that he does not know anything about the ban or who advised them of the ban or how it was determined that they were banned. The Board will look into this matter. Town Atty Attea advised that the person should send a letter in writing to Supervisor Drozd indicating why she feels she has been wrongfully banned and then the Board can review the situation; without a written letter the Town can't even determine who made the decision, when and why. Mrs. Schweickert also advised that there have been professional speakers who have refused to come back to the Center and asked how

would this be addressed. Supervisor Drozd advised that it should be handled in the same manner; send a letter. Town Atty Attea advised that out of general interest to the Town if something is going wrong that is keeping people from presenting, then that is something that the Board would want to know about. If there is some level of conduct or misconduct that needs to be addressed that may not be appropriate with regard to any Town official, then the Supervisor and Town Board need to know about it before they can act on it.

The Garden Club members thanked the Board and left the meeting.

m) Authorize Supervisor to Sign Agreement from CCB – fully FDIC insured - Supervisor Drozd reviewed this matter with Nichole Ruf at Drescher & Malecki and Council Member Drake and met with Cattaraugus County Bank. Most municipalities are doing this to be as risk free as possible. It will now be fully insurance, lowered risk, efficiency in reporting. Council Member Drake advised that basically what this is doing is getting other banks to co-insure so our whole deposit is covered. Motion by Council Member Drake, seconded by Council Member Krzemien, to authorize Supervisor Drozd to sign the Agreement. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

n) Rails to Trails Letter - Supervisor Drozd received an email from a resident with regard to the Erie County Rail Trail (ECRT). The resident had received a letter from Tyrone Plaganas, ECRT Project Manager & Board Member. This was shared with the Board and Town Atty Attea. Supervisor Drozd reached out to Colden and Aurora. Those towns as of today are still opposed to the Trail but they know it is coming through. What both towns have done is a change of use stipulation in their Town Codes that these towns are making the ECRT go by. The change of use is going from a railroad bed to a public Rails to Trails. Supervisor Drozd has spoken with the contractor that got the bid from the snowmobile trail for the last five bridges in the Town of Concord and that project is starting. Council Member Zittel asked what options the Town has. Council Member Snyder thought the Town had a potential solution. Town Atty Attea advised that this goes back to what Council Member Snyder had suggested at some prior meetings that the Town establish a requirement for a Special Use Permit that would need to be renewed on an annual basis. There were questions about enforceability and the overall impact. None of this is to construed as necessarily negative towards Rails to Trails but how else can the Town put any reasonable parameters around what Rails to Trails are or are not doing. The ECRT always goes back to this phantom agreement that they supposedly have through the federal government that gives them the right to use this rail bank and therefore they are saying that the Town can't tell them what they can do or not to do because the federal government has said they can use the rail bank. Town Atty Attea feels that through that process if it was established, the Town could ask for that Agreement which the ECRT has never been willing to produce and may not exist. It is not a negative; no one is looking to stop the recreational use to a degree, within reasonable parameters, but as private landowners along that route, it is really hard not to be sympathetic to at least some of their questions or concerns. Some of the discussion was about the bridges and embankments and the question of protected wetlands on these landowner's properties that as a landowner they are not even allowed to disturb and now these landowners are being told through organizations supporting ECRT that they are just going to come onto the landowner's property and do work. It raises a legitimate and very thorny question. Council Member Snyder had suggested a while ago that the Town contemplate a plan to establish a requirement of a Special Use Permit so that at least every year the ECRT would have to come in and apply and the Town could set conditions. If the ECRT were to work outside of those parameters of the conditions, the practical question becomes how would it be enforced; but that is moving it to the next step. The hope would be that cooperatively, there would be mutually terms that the ECRT would help the Town self-enforce. The ECRT would respect the parameters and the property owners who own land along the trail and would allow for a harmonious

relationship going forward. Council Member Snyder advised that the Special Use Permit process has been in use for years and it works well because it gives all parties involved a voice. It goes through a process and to reach consensus at the end of the process and the Planning Board agrees and recommends to the Town Board for approval, most parties are generally satisfied. Right now, there is nothing. Council Member Snyder's suggestion is to use the Special Use Permit process that we have and we know it works really well. There was language drafted previously by Town Atty Attea and Council Member Snyder and that draft when before the Planning Board who had questions. Town Atty Attea noted that he can see enough gray area where the Planning Board might have concerns that that Board may not want to deal with this matter. Town Atty Attea continued that not to create a difficulty because this is not meant to be a negative; this is trying to come up with some logical solution that is fair to all the interested parties and stakeholders in this whole matter. It does drive back and beg the most primary question, as a not-forprofit organization or Rails to Trails corporation with whatever entity is basically saying that ECRT has these rights, what do they have to show the Town that they actually have the legal right to use these rail bank properties for their stated or intended purposes. Where is that? If that document exists, it should be showed to the Town. To show the Town that they have the legal right to do what they say they want to do. Council Member Snyder said that the Board has been talking about this for years and the answer has been that there is a contract between the railroad company who owns the property and Rails to Trails. Council Member Zittel noted that with a Special Use Permit the Town accepts this and then do we accept responsibility if something were to happen on the trail. The liability is the big question. Town Atty Attea answered that the Town is expressly authorizing the use under certain conditions. Council Member Snyder noted that the Town takes that on in any Special Use Permit; in no other application could a private landowner open a public access park next to an adjacent property and not go through a Special Use Permit. ECRT is doing this through the whole Town, affecting hundreds of people and private property owners. No rules or guidelines; there is nothing. Council Member Zittel advised that under a Special Use Permit the ECRT would need to get the Town an insurance certificate and indemnify and hold the Town harmless. Council Member Snyder feels that the Town will continue to have issues with this. IT is not going away. The Town's last official action was a Resolution against it. Supervisor Drozd asked Town Atty Attea if he could work on this matter again and bring it back to the Board. Town Clerk Schweikert will email him her file notes from past years. Town Atty Attea recalls some documents submitted by ECRT at one point where they said these are the rules that they are imposing on themselves and this is what they would selfpolice. Town Atty Attea remembered a prior meeting where a handful of landowners were in attendance and made some really credible, passionate pleas for assistance because the landowners felt they were being negatively impacted and that the rules that the ECRT were supposedly self-enforcing were not doing a very effective job. There are also some very legitimate points that the ECRT group has made with regard to the benefit of the community and recreational activity. There are no good guys/bad guys; it is just coming up with a reasonable strategy and it might even require a liaison from the Board to meet with representatives from ECRT to work on rules together. Council Member Drake advised that this resident who emailed had complained to ECRT previously and they responded by sending her a letter advising that if she or any member of her family/children, were caught on the trail, they would be prosecuted to the fullest extent of the law. Council Member Zittel said he spoke to a DEC representative who said there is no way that the ECRT is going through wetlands, bridges in the wetlands, without permits. Town Atty Attea noted that the letter from the ECRT basically said that ECRT has a right of way that extends beyond the actual trail itself and to not be alarmed if the ECRT is on the landowner's property to do work. Supervisor Drozd asked Town Atty Attea to work with Council Member Snyder to come up with a game plan.

o) Authorize Erie County Snow Plowing Contract to Plow County Roads - This is the three-year Erie County Snow Contract. Supervisor Drozd will get all the necessary insurance certificates to include in the Contract. A Resolution is needed authorizing Supervisor Drozd to sign the Contract. The Contract is for a 5% increase this year, 4% next year and 4% in the third year.

Council Member Snyder moved the adoption of Resolution 13, seconded by Council Member Zittel:

WHEREAS, the Town Board of the Town of Concord has reviewed the 2022-2025 Intermunicipal Snow Removal and Ice Control Agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord does hereby authorize Supervisor Drozd to sign the 2022-2025 Intermunicipal Snow Removal and Ice Control Agreement with the County of Erie at 5%, 4%, and 4%.

### Voting as follows:

Council Member Drake	Aye
Council Member Krzemien	Aye
Council Member Snyder	Aye
Council Member Zittel	Aye
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

Supervisor Drozd asked for a motion to add (p) Mortons Corner's Fire Company's 75<sup>th</sup> Anniversary Proclamation and (q) Declare the old Town Hall and Highway Garage light fixtures surplus and declare miscellaneous electronic equipment from the Town Hall surplus. Motion by Council Member Krzemien, seconded by Council Member Drake, to add (p) and (q) to the Agenda. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

(p) Mortons Corner's Fire Company's 75<sup>th</sup> Anniversary Proclamation – Supervisor Drozd thanked Deputy Town Clerk Bacon who worked on this resolution commemorating the fire company's 75<sup>th</sup> anniversary.

Council Member Drake, moved the adoption of Resolution 14, seconded by Council Member Snyder:

Town of Concord Proclamation Honoring Mortons Corners Fire Department 75<sup>th</sup> Anniversary

WHEREAS, on December 1<sup>st</sup>, 1947 the matter of approving the boundaries of the Mortons Corners Fire Department was taken in the Minutes of the Town Board; and

WHEREAS, Supervisor Clyde W. Ellis along with Justices Warren D. White, Frederick C. Stady, Herman Snyder, and Willis G. Clark, Jr. approved the boundaries as set up in Mortons Corners Fire Department's application to incorporate with the New York State Department of State; and

WHEREAS, the Mortons Corners Fire Department was incorporated on January 13th, 1948; and

WHEREAS, the Mortons Corners Fire Department is an organization whose membership is comprised of outstanding men and women of the Town of Concord dedicated to the safety of the citizens of the Concord area; and WHEREAS, the Mortons Corners Department continues to serve the community by protecting life, property, and the environment and by providing excellent service through prevention, education, preparedness, and mitigation; and

WHEREAS, this year the Mortons Corners Fire Department will celebrate their 75<sup>th</sup> year anniversary of public service:

THEREFORE, BE IT RESOLVED, the Concord Town Board celebrates the Mortons Corners Fire Department on this milestone and thanks them for their commitment.

### Voting as follows:

Council Member Drake	Aye
Council Member Krzemien	Aye
Council Member Snyder	Aye
Council Member Zittel	Aye
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

(q) Declare the old Town Hall and Highway Garage light fixtures surplus and declare miscellaneous electronic equipment from the Town Hall surplus - Motion by Council Member Zittel, seconded by Council Member Snyder. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Hwy Supt Edwards will put these on Auctions International.

### ITEM #6 EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session would be necessary to discuss personnel and benefits. Town Atty Attea was invited into Executive Session. Supervisor Drozd expects no action to be taken afterwards. Motion by Council Member Zittel, seconded by Council Member Krzemien, to go into Executive Session at 8:14 p.m. to discuss personnel issues. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. While in Executive Session, the Board called CEO Roberts and asked him to join the Board in Executive Session to discuss possible litigation.

Motion by Council Member Drake, seconded by Council Member Zittel, to come out of Executive Session at 8:48 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

### ITEM #7 CONSENT AGENDA

There was nothing for Consent Agenda.

# ITEM #8 COUNCIL MEMBER NOTES

- a) Council Member Krzemien attended yesterday's SYI Meeting. The Club is getting quotes to repave the parking lot at The Club on Maple Avenue. It was also noted that SYI would ask that if the Town Board not do anything to the concession stand until mid-July because of the baseball schedule.
- b) Council Member Krzemien advised that the Field & Stream will be having a Chicken BBQ on June 5<sup>th</sup>.
- c) Council Member Snyder advised that Erie County had a Fair Housing Training; information will be sent and he will get it to Town Clerk Schweikert.

- d) Council Member Zittel advised the Board that East Concord Fire Department will be having a Chicken BBQ on June 15<sup>th</sup> starting 11 a.m.
- e) Council Member Drake is working on the Mortons Corners Cemetery book records putting everything in Excel.
- f) Supervisor Drozd did not attend the Hulbert Library Board meeting this morning because he had commitments at the Town Hall but Deputy Town Clerk Bacon was in attendance. Deputy Clerk Bacon advised that the Library Board did vote to hire that landscape architect to draw up plans for the Library and the Library will pay for that cost out of their own private funds. The proposed plan will be forwarded to the Town Board for their review and approval since it will be on Town grounds. Nothing can happen on those grounds without Town approval.
- g) Supervisor Drozd received a telephone call this morning from Assemblyman DiPietro's Office with regard to the defibrillator grant. The signed paperwork has been received by the Town for the \$4,000 grant so that check should be in the mail to the Town from the 2008 grant. The 2009 grant that was put in for defibrillators as well, DiPietro's Office had to complete some forms to go to the Department of State to change that to furniture and supplies for Town Buildings. This grant needs to be approved by the State again and then hopefully the Town will get that \$5,000 grant money.
- h) Supervisor Drozd went to the Erie County Surplus Warehouse and picked up two like-brand new file cabinets for the Senior Center. He also got one likenew desk in the auditorium for Bookkeeper Timmel. After the light fixtures are completed, the desk will go into her office. He figures this is about a \$2,000 savings to the Town.
- i) Town Clerk Schweikert asked Supervisor Drozd if the Board was going to address the snowmobile club SEQR. This matter had been discussed by CEO Roberts, Supervisor Drozd and Town Atty Attea but the rest of the Board had not received the documents prior to the meeting for review. The SEQR was submitted and the Town will need to review the SEQR and complete Part II as Lead Agency and, if approved, adopt the Negative Declaration Resolution. Town Clerk Schweikert will email the documents to the Board so that this could be on the Agenda for June.

# ITEM #9 MOTION TO ADJOURN

Motion by Council Member Snyder, seconded by Council Member Drake, and passed unanimously, to adjourn the meeting at 9:00 p.m. in memory of:

Lois G. Fyock Ronald E. Bremiller Mary J. Kessler Barbara A. Weaver Francesca L. Wadkins Wayne E. Hawkins Dolf L. Bonenberger

Darlene G. Schweikert

Town Clerk

# Town of Concord Highway Department

13076 N. Central Avenue Springville, NY 14141 716-592-4892 Phone 716-592-4357 Fax

# Barry A. Edwards, Highway Superintendent

Highway Superintendents Report for the period of April 14, 2022 to May 12, 2022.

With twenty-eight days in this period the Highway Department accomplished the following:

- Measured for multiple replacement culverts in the Town.
- Broomed Town Roads with tractor and high lift.
- Moved excavator to Kaiser Road to clean out beavers.
- Took wings off all Town trucks.
- Moved excavator to Transit Line and Middle Road and started ditching.
- Salted twice-April 19th & 20th -done.
- · Replaced mailbox on Kern Road.
- Took all trucks to Village to wash out.
- Met with Midland Oil and got estimate for Craneridge.
- Moved equipment around in cold storage and brought tractor in shop. Installed boom mower for mowing ditches.
- Cleaned up Spaulding, Mortons Corners, Genesee Roads and Senior Center to get ready for summertime mowing.
- Started doing brakes on truck#14 and painting frame, work is completed and started truck#18.
- Cut Transit Line Road for culvert replacement.
- Replaced cross culvert Transit Line, along with 2 drains coming out of the middle of the road-done.
- Replaced air valve on truck#15.

- Replaced inside sweeper on truck#13.
- Helped Village milling North Central Avenue -kept all millings.
- Chased for parts at Hunter Peterbilt for truck#14.
- Started ditching on Middle Road.
- Started mowing cemeteries and Senior Center. All mowing completed 5/10/22.
- Hired new employee, Cody Goodremote. He is working out just fine.

Respectfully Submitted,

Barry A. Edwards

Highway Superintendent

# Town of Concord Highway Department

13076 N. Central Avenue Springville, NY 14141 716-592-4892 Phone 716-592-4357 Fax

Email:concordhighway@gmail.com
Barry A. Edwards, Highway Superintendent

Agreement to Spend Town Highway Funds - Highway Law 284

Road Repair Funding Available for 2022-2023 - As of March 31, 2022

DB 5110.49 Road Repair \$200,000.00
Chips Funding \$72,819.97
PAVENY \$19,410.96
EWR \$16,127.41
Pothole \$12,940.64
Total Funding \$321,298.98

- 1) General Repairs ESTIMATES (Based on Oil Index @ end of 2022)
  - A) Replace cross culvert on Transit Line Road with two inline drains in the center of the road-\$1,468.20
  - B) Suite-Kote recycle Mayo Road, also oil and chip-\$70,620.35
  - C) Recycle Transit Line Road, also oil and chip-\$66,755.46
  - D) Midland-nova chip Crane Road, Meadow, Meadow Court, Ridge, and Edelweiss-\$107,757.22
  - E) Guardrail replacement on Hoffman Road-\$6,140.25

    Open guardrail for access to homeowners' property and extending another piece of guardrail on the south side going up the hill.

Estimate of General Repairs - \$252,741.48

The amount of General Repair work to be completed will depend on the 2022 Oil Index as the construction season moves on.

The 2022 -2023 New York State Budget has been approved and the Extreme Winter Relief Funding for this year is \$16,127.41. The amount of \$19,410.96 for PAVENY, Chips Funding is \$72,819.97, and Pothole funding is \$12,940.64. These amounts are what the Highway Department will have for this year. The department will have for this year \$121,298.98 plus \$200,000.00 Road Repair for a total of \$321,298.98 minus \$252,741.48 for Estimated Work to be done will leaves a balance of \$68,557.50.

Respectfully,

Barry A. Edwards

Highway Superintendent

paguano

# AGREEMENT TO SPEND TOWN HIGHWAY FUNDS

TOWN OF WARY COUNTY OF A TOWN

Pursuant to the provisions of Section 284 of the Highway Law, we agree that monies levied and collected for the repair and improvement of highways, and received from the State for the repair and improvement of highways, shall be expended as follows:

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	Councilmember	Date		$O_{i,j}$	• 1

NOTE: This Agreement must be signed by a majority of the members of the Town Board and by the Town Highway Superintendent. One copy must be filed in the Town Clerk's Office

# CLOSING CHECK LIST FOR LAST EMPLOYEE

- 1.Lock front door
- 2. Check ALL bathrooms to make sure empty
  - & Toilets are clean & water off
- 3. Check small room to make sure empty
- 4.Check stove -all burners & oven off
- 5.All Coffee pots are turned off
- 6.On days that center isn't open for a few days-Bun machine is turned off & unplugged
- 7.TV is off-no electric appliances on in ANY room
- 8. Refrigerator & freezer doors are closed
- 9.All windows in entire building are closed & locked
- 10.All doors in building are closed-small room-large room
- 11. When leaving by back door-make sure door is closed & locked
- 12. All old food is thrown out of the refrigerator
- 13. All garbage in kitchen & small room are emptied

- 14. All sinks are off
- 15. Rooms are ready for next day-if it is a center event
- 16. Entrance board is ready for next day
- 17. All lights are off

Failure to comply with this list will result in Disciplinary Actions-Possibly Leading up to and Including Discharge

NAME	DATE
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# A STATE

## Custodian/Caretaker tasks

## Town Hall Building:

- Set up chairs Town Board Meetings
- Set up chairs/table Planning Board Meetings
- Set up chairs Court nights
- Empty trash in all rooms/Put in dumpster
- Clean bathrooms, mop floors, and replenish all supplies
- Vacuum floors in all spaces
- Mop stairs
- Mop Auditorium as needed
- Clean glass on front door
- Wipe down countertops as needed
- Empty dehumidifiers (one in vault/one in storage room)
- Vacuum back stairway
- Wipe all hand rails (back stairway, main entrance up and down stair way, going out back doors, and bathrooms)
- Elevator vacuum, wipe buttons and hand railing
- Conference room-keep cupboard under sink stocked with paper towels
- Empty outside trash can near parking lot/sidewalk

#### Fall:

- Rake leaves/branches/and all the walnuts (walnut cleanup is time consuming)
- Help Town Clerk's office pull down storm windows
- Mowing

## Winter:

- Shovel/snowblow front entrance, sidewalk in front of Town Hall and back exit door to M&T Bank lot and side entrance at Parking lot
- Salt surfaces

### Spring/Summer:

- Weed/mulch
- Pick up litter
- Mow the lawn/edge

## Other Random Tasks:

- Change light bulbs
- Furnace
- Bring reams of paper/water to offices (using your cart)
- Minor carpentry/repairs and associated tasks at the Senior Center

# Bensley Center:

- Empty waste baskets
- Winter-Shovel and snowblow daily
- Mow the lawn

1816 - 1818

- Pick up litter/trash on premises
- Vacuum as needed
- Clean bathroom (Bensley Center has difficult hard water)

Reminder that information left in offices is CONFIDENTIAL.