

TOWN OF CONCORD TOWN BOARD MEETING May 23, 2024
9:00 a.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR,
at 9:00 a.m.

ROLL CALL: PHILIP DROZD, SUPERVISOR
 CLYDE M. DRAKE, COUNCIL MEMBER
 KIMBERLY S. KRZEMIEN, COUNCIL MEMBER
 KENNETH KASSEL, COUNCIL MEMBER

EXCUSED: KENNETH D. ZITTEL, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk

Supervisor Drozd opened the Special Town Board meeting at 9:04 a.m.

ITEM #1 COMMUNITY DEVELOPMENT BLOCK GRANT

Supervisor Drozd received the special agreement on Monday for the Community Development Block Grant for the improvements at the Senior Center. Legislative authorization is required for Supervisor Drozd to sign the agreement.

Council Member Krzemien moved the adoption of Resolution 7, seconded by Council Member Kassel:

WHEREAS, the Town of Concord was awarded a grant by the Erie County Community Development Block Grant (ECCDBG) program for the 2024-2025 year;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Concord authorizes Supervisor Drozd to sign the 2024-25 CDBG Project Management Agreement with the County of Erie for Senior Center improvements.

Voting as follows:

Council Member Drake	Aye
Council Member Kassel	Aye
Council Member Krzemien	Aye
Council Member Zittel	Excused
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

ITEM #2 TOWN HALL AIR CONDITIONING

This was discussed at the May 9th, 2024 Town Board Meeting. The air conditioning for upstairs at Town Hall is not working. This project is in line with the Town's procurement policy. If the Town considers this project a public works contract, it is less than \$20,000 but greater than \$5,000, proposals from two contractors are necessary before the Town can consider the project. If the Town considers it a purchase, the Town is still good with less than \$10,000 but greater than \$5,000, proposals from two contractors are necessary. Two proposals were received: Reding Inc. \$9,875 and Heritage Heating & Cooling \$11,240. These units could be heat pumps but the units were never hooked up for that but there is electric heat upstairs already so there is no sense in getting that same kind of unit. Supervisor Drozd would recommend the purchase of one air conditioner to fit the upstairs offices. These quotes include getting rid of the old units, new whip for the electric line. If the Town approves Reding's proposal, there is a two-week lead time; the unit is in stock in South Carolina. The final invoice should be available for the June meeting. This cost will need to come out of

Building Reserves. Hwy Supt Edwards has spent a lot of money out of Building Maintenance for the plumbing problem at the Hwy Garage, windows and re-insulation of the offices at the Hwy Garage. Supervisor Drozd would recommend the Board transfer \$15,000 out of Building Reserves to put in Building Maintenance to carry the Town through the rest of Year 2024. Council Member Drake believes there is over \$80,000 in that budget line. Motion by Council Member Drake, seconded by Council Member Kassel, to approve the low bid of Reding Inc. in the amount of \$9,875. Council Members Drake, Krzemien, & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried. Supervisor Drozd will advise Reding Inc. so the unit can be ordered.

ITEM #3 COMMUNITY PARK RENTAL – ALCOHOL APPROVAL

The Concord Republican Committee submitted their Park Rental for their Chicken BBQ on Wednesday, July 24th and are requesting Town Board approval to have alcohol (beer and wine) at the event. Motion by Council Member Krzemien, seconded by Council Member Kassel, to approve the Concord Republican Committee's request to serve alcohol at their BBQ event. Council Members Drake, Krzemien, & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

ITEM #4 CONTROL CENTER

Supervisor Drozd has had several discussions with Mayor Michaels regarding the Control Center, who just found out that there are no funds available this year from Congressman Langworthy. Mayor Michaels is getting estimates that range between \$100,000 and \$110,000 to bring the Control Center up to date. Mayor Michaels is asking about the Town's involvement in this project. If the Village does proceed on this, the Village will just pass on the Town budget next year which will impact the Town's tax cap. Supervisor Drozd has had conversations with Mortons Corners and East Concord Fire Departments who are asking that the Town help save the Control Center; as well as residents calling with public safety concerns. The members had discussion about the options: split costs with the Village for the project (the money would come out of General Fund Reserves) or see what the costs would be to change to another dispatch location (Hamburg or East Aurora) or if another dispatch location could even take our companies. This would affect the Highway Department radios. One advantage of having the local Control Center is that the dispatchers know this area and use landmarks to assist in locating the emergency. The Village Board of Trustees is the only entity that can make the decision to close the Control Center; Erie County cannot. The members would like to have further discussion with the Village. This Control Center covers three departments: Springville, East Concord and Mortons Corners. Council Member Drake said that that is the problem; there are not enough fire companies in it to make it economical. Neighboring towns are already under contract with other dispatch locations. Mercy Ambulance also gets dispatched out of the Springville Control Center. The members would like more information and want to work with the Village on this matter. Council Member Krzemien said this is another reason why house numbers are so important: East Concord and Mortons Corners Fire Companies have been working on trying to get funding for this for the Town residents. Council Member Drake said that he would like this to see this go to a Public Referendum in November and see what our residents want the Town to do. Supervisor Drozd will reach out to Mayor Michaels to see if there should be a joint meeting of our Boards to discuss this matter further.

ITEM #5 SALES TAX RESOLUTION

Supervisor Drozd moved the adoption of Resolution 8, seconded by Council Member Krzemien:

A RESOLUTION TO BE SUBMITTED BY
TOWN OF CONCORD TOWN BOARD

Opposing Amending the Erie County Charter Regarding Sales Tax Imposition

WHEREAS, New York State imposes a 4% sales tax on most purchases made in New York State and allows its counties to impose an additional sales tax of 3%; and

WHEREAS, in 1984, Erie County enacted a “temporary” 1% additional sales tax to address fiscal issues, which has remained in effect substantially ever since; and

WHEREAS, in 2005, Erie County enacted another “temporary” 0.25% sales tax increase to address fiscal issues, which has remained in effect ever since; and

WHEREAS, in 2006, Erie County enacted another “temporary” 0.5% sales tax increase to address fiscal issues, which has remained in effect ever since; and

WHEREAS, currently, the Erie County Charter requires extensions of the “temporary” sales tax to be approved by either a supermajority of the legislature or by a majority of the legislature, subject to a public referendum; and

WHEREAS, Local Law Intro. 4-1 has been introduced to the legislature which would allow for this “temporary” tax to be extended with only a simple majority vote of the legislature and without the opportunity of the public to have a say on this important fiscal matter; and

WHEREAS, it is not uncommon for serious fiscal matters to require super-majority votes to be enacted: approving a tax hike above the two percent property tax cap requires a super-majority vote; approving a bond resolution requires a super-majority vote; and approving a “temporary” sales tax increase has always required a super-majority vote in Erie County, which would change if the charter is amended; and

WHEREAS, in addition to provoking a more thorough and thoughtful discussion of the issue, requiring a super-majority offers a greater chance to negotiate opportunities to benefit taxpayers, such as was done in 2023 with the first property tax decrease in over a decade, a sales tax holiday for home energy products during the winter quarter and a five-year road maintenance plan to keep our roads safe and passable; and

WHEREAS, as beneficial as requiring a super-majority has been for extending the “temporary” sales tax increase, perhaps more disturbing is that the proposed charter change takes away the public’s voice from the process; and

WHEREAS, as we approach the fortieth anniversary of some form of “temporary” sales tax, the public should have the option of bringing their voice to the ballot box on whether Erie County should continue to have the highest county-imposed sales tax in New York State; and

WHEREAS, the proposed charter change would silence the people and leave such a major decision in the hands of a few individuals who are also in charge of spending what is collected; and

WHEREAS, there has always been an option to extend the sales tax with a simple majority vote, but it requires a referendum; the attempt to silence the voice of the people at the ballot box indicates that it is the preference of elected officials to act without the input of the residents of Erie County whose actions may impact their ability to spend; and

WHEREAS, Erie County entered into a sales tax sharing agreement in 1977 in order to share the additional 3% sales tax revenues with cities, towns, villages and school districts in the following fashion: 35% to Erie County, 29% to the school districts, 10% to the three cities in Erie County, and 26% to the same three cities and the other municipalities in Erie County, which funds have been vitally important to municipalities; and

WHEREAS, with the creation of the “temporary” 1.75% sales tax, the county and state eliminated school districts from sharing that pool of revenue; and

WHEREAS, as such, if the charter is amended, towns and villages could easily be eliminated from sharing that pool of revenue with a simple majority vote, instead of either a super-majority vote or a majority vote to go to referendum; and

WHEREAS, the Town of Concord opposes Local Law Intro. 4-1 and asks that the item be received and filed due to its lessening the importance of the decision to extend the "temporary" sales tax increase and the effect of taking away the voice of the voters who can now vote on the issue with a simple majority vote of the legislature.

NOW, THEREFORE, BE IT

RESOLVED, the Town of Concord strongly opposes any measure that silences the public by removing their right to approve a decision, at a public referendum, being made on their behalf by elected officials who serve them; and be it further

RESOLVED, the Town of Concord expresses deep concern about proposed charter changes in Local Law Intro. 4-1 that will make it easier to extend taxes on the public, by removing a public approval process and allowing the decision to be approved by fewer lawmakers; and be it further

RESOLVED, the Town of Concord opposes Local Law Intro. 4-1 and asks that the Erie County Legislature receives and files the item.

Voting as follows:

Council Member Drake	Aye
Council Member Kassel	Aye
Council Member Krzemien	Aye
Council Member Zittel	Excused
Supervisor Drozd	Aye

The foregoing Resolution was thereupon declared duly adopted.

ITEM #6 EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session will be necessary to discuss personnel. Motion by Supervisor Drozd, seconded by Council Member Krzemien, to go into Executive Session at 9:32 a.m. Council Members Drake, Krzemien, & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

Motion by Supervisor Drozd, seconded by Council Member Drake, to come of Executive Session at 9:40 a.m. Council Members Drake, Krzemien, & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.

ITEM #7 MOTION TO ADJOURN

Motion by Council Member Kassel, seconded by Council Member Drake, and passed unanimously, to adjourn the meeting at 9:41 a.m. Council Members Drake, Krzemien, & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, excused. Carried.



Darlene G. Schweikert
Town Clerk