

TOWN OF CONCORD TOWN BOARD MEETING November 9, 2023
7:00 p.m.

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

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

GEORGE DONHAUSER KENNETH KASSEL
KATHY LUX

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER KRZEMIEN

ITEM #1 CONSENT AGENDA

- a) Approval of Minutes:
 - (1) Work Session – 10/05/2023
 - (2) Public Hearing Local Law Tax Cap – 10/05/2023
 - (3) Public Hearing CDBG – 10/05/2023
 - (4) Public Hearing Local Law Wind Energy Moratorium – 10/05/2023
 - (5) Public Hearing Miller Special Use Permit – 10/05/2023
 - (6) Town Board Meeting – 10/05/2023
 - (7) Bid Opening KBWWTP – 10/06/2023
 - (8) Special Town Board Meeting-Award Bid – 10/12/2023
 - (9) Special Town Board Meeting – SYI, EDF & KBWWTP – 10/19/2023

Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve Consent Agenda (a)(1-9). Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

- b) Monthly Reports:
 - (1) Code Enforcement Report – October 2023
 - (2) Dog Control Officer Report – October 2023
 - (3) Town Clerk Report – October 2023
 - (4) Judge Frank – September 2023
 - (5) Judge Gibbin – September 2023
 - (6) Supervisor's Report – August & September 2023
 - (7) Senior Transportation Van Report – September 2023 (Not Available)
 - (8) Senior Center Report – October 2023
 - (9) Assessor's Report – October 2023

The Senior Transportation Van Report was not available for tonight's meeting and was removed from the Agenda. Motion by Council Member Drake, seconded by Council Member Zittel, to approve Consent Agenda (b)(1-6; 8-9). Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #2 RESIDENT CONCERNS:

Kathy Lux addressed the Board with concerns about the Concord Senior Center funding and senior trips. Ms. Lux noted that years ago the Town's budget gave \$10,000 towards senior trips and over the years it went to \$3,000; she heard it was being reduced again in the 2024 budget. She noted that the seniors really depend on the Center for lunches and these trips. Ms. Lux would like more employees and more funding for the Center. She volunteered to brainstorm with the Board to come up with ways to make money like rental of the building. Council Member Drake advised Ms. Lux that the budget before the Board does not have a decrease in the line for senior trips. There is actually a 2% increase. Ms. Lux noted that she is getting misinformation and Supervisor Drozd told her that she should come to him to discuss matters; not the Senior Center Director who has nothing to do with the Concord Seniors (club) and not the Department of Motor Vehicle employees. Council Member Drake also noted that no one from the Concord Seniors (club) came to the Town Board to discuss their budget or to ask for more money. It is too late for this 2024 Budget. Supervisor Drozd advised that Concord is one of the only towns that fund trips for their seniors; the trips are all paid for by the people who ride the buses and go on the trips with residents first and then the trips are opened up for non-residents. Ms. Lux confirmed that when she took a trip with the East Aurora Seniors, it was more expensive than the Town of Concord trips.

Ms. Lux was also concerned about the Senior Center being closed. This Monday the Center is going to be closed again for training. Why can't the training be held at Town Hall? Supervisor Drozd informed her that this training is NYS mandated and that all Town employees have to attend so even if the training was held at the Town Hall, the Center would still be closed because those employees need to attend the training as well. Ms. Lux plays euchre at the Senior Center and their euchre club has not been able to play because of early voting but then the Center was open for lunch. She is confused as to why some events get to go on and others like her euchre club cannot.

Carolyn Robinson asked the Board if there was a status update on the Trevett Road closure. Unofficially, Supervisor Drozd was told that the DEC caboshed the project for this year but he is confident that the money for the project will still be there for next year.

No one else wished to address the Board

ITEM #3 HIGHWAY DEPARTMENT

a) Hwy Supt Edwards asked the Board to receive and file the Highway report.

Hwy Supt Edwards added the following to his report:

(1) Hwy Supt Edwards and Crew Chief Heim met with the Kubota dealer about leasing a new tractor and mower instead of buying one. Hwy Supt Edwards will discuss this with the Board at a later time.

(2) All plows are ready for snow except the two 550's because the department is still using those trucks.

(3) The CHIPS, PaveNY and Extreme Weather documents have been submitted. The Town should receive \$136,000.

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

ITEM #4 OLD BUSINESS

a) Community Park Pavilion Project Update – Supervisor Drozd updated the Board on the Community Park Pavilion Project:

(1) The Town received the last reimbursement of \$16,000. All grant monies (\$150,000) have now been received.

(2) The Town is waiting for the Erie County Department of Health Certificate.

(3) There was one more bill from Ehmke Well Drillers in the amount of \$667.52 for winterizing the system and the installation of a drain valve on the new well.

b) KB Sewer Plant – Supervisor Drozd discussed this during Work Session.

(1) He further noted that some of the equipment (tablet feeder, chlorinator) from the KB plant will be kept for the new plant or as back up to the Craneridge Waste Water Treatment Plant. Kissing Bridge may be interested in the electrical panel for their snowmaking equipment and scrap metal will be taken in by the Town and the monies received will go back into this fund.

(2) The Town's insurance representative, Chris Ross, will work with the Town to verify insurance as the decommissioning project continues.

(3) The biggest part of this project is getting the pipe into the ground; the boring will start next week.

c) Community Development Block Grant – Projects – Supervisor Drozd submitted the CDBG Application last week. The only place the Town could use this grant is the Concord Senior Center. Community Park cannot be used because of the income level in the Park area. The grant is asking for a total of \$132,301.32 for Senior Center improvements. The biggest improvement submitted was for a 30' x 32' garage for storage of the Senior Van. Other projects were sealing and striping of the parking lot, painting interior walls, fixing drywall, tables & chairs & storage racks; kitchen equipment (freezer, stove, pots & pans, utensils) and a sidewalk on the north side of the building to assist in getting out to the driveway instead of being on the grass and also in front of the building because of possible rodent infestation and water damage to the building. A comprehensive list was submitted. Ms. Lux would like to see more card tables at the Center.

d) Authorization for Supervisor to sign contracts for Revised 94-C Solar and 94-C Wind Projects – Supervisor Drozd noted that these contracts are from Wendel Companies to assist the Town with the solar project and the wind project. The original contract the Town signed with Wendel Companies for the solar project has expired. The 94-C Solar Project contract is \$23,500 and the 94-C Wind Project contract is \$7,500. Town Atty Attea advised the Board that he would like to talk to Andrew Reilly of Wendel Companies regarding the amounts of these contracts and ask that Wendel Companies provide the Town with a detail list of what will be provided under these contracts. Supervisor Drozd informed the Board that the \$30,000 escrow money was received by the Town. There are no escrow funds for the 94-C Wind Project.

Motion by Council Member Drake, seconded by Council Member Zittel, to table the approval of the Wendel Companies-revised 94C Solar Project Contract. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Motion by Council Member Zittel, seconded by Council Member Krzemien, to table the approval of the Wendel Companies-Wind Project Contract. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Town Atty Attea will review these Contracts with Andrew Reilly; Supervisor Drozd advised that, if necessary, he will call a Special Town Board meeting to review Town Atty Attea's recommendation.

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 2023 Abstract 11:
General Fund A, Abstract 11, \$157,029.95
General Fund B, Abstract 11, \$1,419.15
Library Fund, Abstract 11, \$39.50
Fire Protection, Abstract 11, \$4,875.35
Joint Van, Abstract 11, \$2,216.34
Joint Youth, Abstract 11, \$40,681.03
Craneridge Lighting, Abstract 11, NONE
Craneridge Sewer, Abstract 11, \$19,385.76
Highway DA, Abstract 11, NONE
Highway DB, Abstract 11, \$113,493.61
Kissing Bridge Water, Abstract 11, \$2,134.10
Kissing Bridge Sewer, Abstract 11, \$23,539.78
Trevett Rd. Water, Abstract 11, NONE
Cattaraugus St. Water, Abstract 11, NONE
Trust & Agency, Abstract 11, NONE
Capital (HA) C. Sewer, Abstract 11, NONE
Capital (HB) Land, Abstract 11, NONE
Capital (HD) Catt St, Abstract 11, \$340.30
Capital (HE) Sr. Ctr, Abstract 11, NONE
Capital (HF) Hwy Equip, Abstract 11, NONE
Capital (HG) Waste Study, Abstract 11, NONE
Capital (HI) KB/CR Sewer Project, Abstract 11, NONE

Motion by Council Member Krzemien, seconded by Council Member Snyder, to approve the bills in Year 2023 Abstract 11 as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye.

b) Acceptance of resignation for Karl Lux from Planning Board/Chairman – Planning Board Chairman Karl Lux submitted his letter of resignation effective November 15, 2023.

“As of November 15, 2023, I will be stepping down from my appointed position as a Planning Board member. I sincerely appreciate the opportunity to serve the Town of Concord on this Board for the past 8 years. The opportunity was an honor and a privilege. Thank you all for your support and understanding in this decision.” Sincerely, Karl R. Lux, Chairman.

Motion by Council Member Drake, seconded by Council Member Zittel, to accept the resignation of Planning Board Chairman Karl Lux, effective November 15, 2023, with regrets. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Council Member Drake praised Chairman Lux for the fine job he has done as Planning Board Chairman.

c) Appointment of Joseph Edbauer as Planning Board Chairman - Council Member Drake advised the Board that Planning Board Member Joseph Edbauer has agreed to take the position of Chairman of the Board.

Motion by Council Member Drake, seconded by Council Member Zittel, to appoint Joseph Edbauer as Chairman of the Planning Board. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye.

d) Authorization to sign American Red Cross Agreement – Supervisor Drozd informed the Board that this agreement is for the American Red Cross Blood Drives to be held at the Concord Senior Center. Town Atty Attea has reviewed the Agreement and all the necessary protections and indemnification clauses are in the Agreement.

Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve the American Red Cross Agreement and authorize Supervisor Drozd to sign the Agreement. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye.

e) Authorization to purchase a new 10-wheel dump truck (Estimated 2026 delivery) – This purchase was discussed earlier this evening during Work Session. Supervisor Drozd noted that this purchase would be from the Cattaraugus County bid with a delivery in 2026. \$150,000 is going into the Reserves account in the 2024 Budget. Hwy Supt Edwards informed that Board that trucks #14, #15, #16, and #19 have a potential sales price of \$190,000; making a total of \$340,000. The Town will continue to put \$150,000 into Reserves annual. The estimated sales price for the truck cab and chassis is \$185,000 and the price of the box, wing and plow is approximately \$113,000; for an estimated total of \$298,000. This price is up \$39,000 from the last truck purchased. The box, wing and plow do not need to be ordered yet.

Motion by Council Member Zittel, seconded by Council Member Snyder, to authorize the purchase of a new 10-wheel dump truck with an estimated delivery in 2026. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye.

f) Creation of new GL account for Genesee Road (east end of Town) Solar Project funds – The Town received the \$30,000 escrow funds for the project. Supervisor Drozd discussed this earlier under Old Business (d). Motion by Council Member Zittel, seconded by Council Member Krzemien, to authorize Bookkeeper Watz to create a new GL Account for the Genesee Road Solar Project funds. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Council Member Drake advised that this will be a Reserve Account because the money is not going to be spent this year.

g) Motion to post grant funds for reimbursement of Library paving project to AC A22401R - Supervisor Drozd advised the Board that the Hulbert Library received the grant funds. The Town has received \$65,676.83. The Town will receive 75% of the paving project total cost of \$97,299 which is \$72,974.25. The balance due the Town from this Hulbert Library Grant money is \$7,297.43. Supervisor Drozd will be working on the LED lighting at the Library and try to get that done before the end of Year 2023. The Hulbert Library Board held a fundraiser last week at Stoney Oak Ridge's new banquet facility. The event was well attended. The Library Board will work on getting the Town samples of what they would like to put in front of the library. The project will need to be bid out and the funds will come from the Library Board money. The grant the Hulbert Library received was a big win for the Town; to get that amount of money for the community.

Motion by Council Member Zittel, seconded by Council Member Drake, to authorize Bookkeeper Watz to post grant funds for reimbursement of Library paving project to AC A221401R. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye.

h) Adopt 2024 Budget –

Council Member Zittel, moved the adoption of Resolution 17, seconded by Council Member Drake:

WHEREAS, Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Journal on October 26, 2023. Said Notice of Public Hearing was also posted on the Town of Concord website: townofconcordny.com and on the signboard at the Town Hall on October 7, 2023;

WHEREAS, that the Town Board of the Town of Concord held the public hearing on Thursday, November 9, 2023.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Concord does hereby adopt the 2024 Budget.

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.

ITEM #6 EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session will be necessary to discuss a litigation matter. Prior to going into Executive Session, Council Member Notes was held.

ITEM #7 COUNCIL MEMBER NOTES

a) Supervisor Drozd read a letter he received from the Hamburg Middle School:

“I am writing to celebrate the professionalism and expertise of Jolene Hawkins. She connected with our seventh and eighth grade classes during a video conference on Halloween last week and shared the symbolism of gravestones. Ms. Hawkins engaged our students with her passion and enthusiasm. She is an inspiration and will always be welcome in our classroom. We look forward to future endeavors. Thank you.” Sincerely, Jason R. Steinagle.

b) Hwy Supt Edwards informed the Board that he received a telephone call from Stevens Electric regarding the light change out at the Craneridge Waste Water Treatment Plant. Supervisor Drozd said that this is under contract with NYSEG.

c) Hwy Supt Edwards noted that John Ornce, Maplewood Cemetery, called him to ask if the Highway Department would be able to cut two small Ash trees in the cemetery. These are dead trees. Hwy Supt Edwards asked the Board for permission for his crew to assist the cemetery in this regard. Council Member Zittel would like the Highway Department to assist to try to keep Maplewood Cemetery solvent.

ITEM #6 EXECUTIVE SESSION

Supervisor Drozd invited Hwy Supt Edwards to join the Executive Session. Motion by Council Member Drake, seconded by Council Member Zittel, to go into Executive Session at 7:51 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.


Motion by Council Member Drake, seconded by Council Member Snyder, to come out of Executive Session at 8:07 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #8 MOTION TO ADJOURN IN MEMORY OF:

Motion by Supervisor Drozd, seconded by Council Member Drake, and passed unanimously, to adjourn the meeting at 8:08 p.m. in memory of:

Dorothy Jane Slating
Charles E. Brisley
Patricia A. Laudisio
Sister Lois Jean Nunweiler
Stephan G. Kirk
Elaine M. Beyer
Keith L. Nagel
Warren R. Pilger

Alice Wangelin, Retired Colden Town Clerk
Betty J. Rumfola
Keith R. Johnson
Roger L. Griffith
John F. Moloney, Jr.
Nelson W. Czora, Sr.
Madan Mohan Khurana
Elaine M. Ahles
Robert J. Fiel
Deborah A. Nellis
Heidi L. Wright
Betty M. Underberg
John H. Jordan
Alan V. Manchester



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

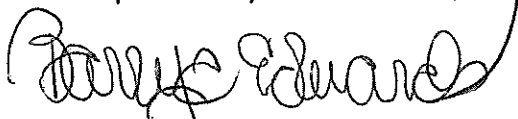
Highway Superintendents Report for the period of October 3, 2023 to November 8, 2023.

With thirty-seven days in this period the Highway Department

- Finished installing the roof on the Town Park pavilion.
- Completed cutting back trees in Craneridge, we trimmed the complete complex.
- Moved the excavator to Craneridge and dug out the bushes of a cul-de-sac.
- Moved excavator to the Town Park and dug out tree stumps.
- Did some ditching on Middle Road.
- Moved plow equipment out of cold storage.
- Cleaned up summer equipment and put into cold storage for winter.
- Installed plow equipment and changed tires on all trucks.
- Repaired rotten dump body corner on Tk#15.
- Repaired plow light harness on Tk#11.
- Replaced leaking hoses and worn spinner assembly on Tk#15.
- Serviced Tk#19.
- Cleaned up and disposed of tree stumps from the Town Park.
- Took Tk#11, 13, 14, 15, 17, 18 & Trailer#1 to be inspected.
- Replaced wing rubbers and shoes on Tk#11, 14, 16, & 18.

- Lifted wing rubber on Tk#19.
- Freed up brake pins on Tk#16 & 19.
- For the last time, mowed and cleaned up cemeteries for the winter.
- Did some blacktop work in Craneridge.
- Took Tk#13 to Fleet Maintenance for warranty work.
- Cleaned up JX90U and installed new blades to get ready for spring.
- Took Vac-All to clean up Town Hall parking lot.
- Replaced worn salter chain adjusters on Tk#18.
- Took bucket truck to Colden to help remove some trees.
- Repaired plow light harnesses on Tk#16 & 19.
- Sharpen chains on all saws.
- Washed and waxed all trucks.
- Serviced, cleaned and waxed Kubota ZD1211.
- Serviced and cleaned Park's Kubota tractor B2620.
- Put up safe hits.
- Repaired backup lights on Tk#14 & 18.
- Replaced wing cylinder on Tk#11.
- Continued to clean shop, office and restroom.

Respectfully Submitted,



Barry A. Edwards,
Highway Superintendent