

TOWN OF CONCORD SPECIAL TOWN BOARD MEETING October 3, 2024
9:00 a.m. 2025

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR

PRESENT: PHILIP DROZD, SUPERVISOR
 CLYDE M. DRAKE, COUNCIL MEMBER
 KENNETH D. ZITTEL, COUNCIL MEMBER
 KIMBERLY S. KRZEMIEN, COUNCIL MEMBER
 KENNETH KASSEL, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
 KAREN GEELAN

Supervisor Drozd opened the meeting at 9:03 a.m.

ITEM #1: LITIGATION

Supervisor Drozd advised that he had been speaking with Town Atty Attea this morning. There is a request by Attorney Ryan McCann who is handling one of the town's litigation matters for a motion of the Town Board to proceed with soil sampling. The members would like to table this matter for further information. Motion by Council Member Krzemien, seconded by Council Member Zittel, to table this matter. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #2: SOUTHEAST AGRICULTURAL DISTRICT

New York State Agriculture and Markets Law Section 303(a) requires that every eight years Agricultural Districts shall be reviewed. During this period, requests for inclusion or removal of property in the districts are accepted and considered. Sarah Gatti, Principal Planner at Erie County Planning & Development, advised that two parcels are currently enrolled in the Southeast Agricultural District #15: 13076 North Central Avenue, SBL#335.02-1-1 (highway garage) and 12779 Buffalo Road, SBL#322.00-3-1.11 (town park). Erie County advised that the Town of Concord may want to remove these two parcels from the Southeast Agricultural District since the parcels are no longer being farmed and are town-owned. There is no information as to how these parcels became part of the Southeast Agricultural District #15.

Council Member Krzemien moved the adoption of Resolution 25, seconded by Council Member Drake:

WHEREAS, Erie County Planning and Development has advised that there are two parcels currently enrolled in the Southeast Agricultural District #15: 13076 North Central Avenue, SBL#335.02-1-1 (highway garage) and 12779 Buffalo Road, SBL#322.00-3-1.11 (town park);

WHEREAS, Erie County advised that the Town of Concord may want to remove these two parcels from the Southeast Agricultural District #15 since the parcels are no longer being farmed and are town-owned.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord requests that these two parcels be removed from the Southeast Agricultural District #15: 13076 North Central Avenue, SBL#335.02-1-1 (highway garage) and 12779 Buffalo Road, SBL#322.00-3-1.11 (town park).

Voting as follows:

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

The foregoing resolution was thereupon declared duly adopted.

ITEM #3: JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT

The Court Clerks are working on the JCAP application. The application will be for the removal of the existing accordion gate in the Court Room and the installation of a new accordion gate and for two office desk chairs. The submission deadline for this application is October 11, 2024. Council Member Drake raised a concern about the aluminum used for the accordion gate with regard to sun reflection. The Court Room does have window shades that can be pulled down if the sun were to cause a problem.

Council Member Krzemien moved the adoption of Resolution 24, seconded by Council Member Kassel:

RESOLUTION OF THE TOWN BOARD ("THE BOARD") OF THE TOWN OF CONCORD, COUNTY OF ERIE AND STATE OF NEW YORK, WHICH AT A MEETING OF THE BOARD ON OCTOBER 3, 2024, DID APPROVE AND AUTHORIZE THE TOWN OF CONCORD JUSTICE COURT TO APPLY FOR A GRANT THROUGH THE JUSTICE COURT ASSISTANCE PROGRAM ("JCAP") FOR GRANT FUNDS IN THE 2024-2025 GRANT CYCLE.

WHEREAS, the Town of Concord Justice Court ("the Court") is the court duly authorized to operate in the Town of Concord.

WHEREAS, the Justice Court Assistance Program ("JCAP"), makes funds available on an annual basis to assist Town and Village courts with upgrades, enhancements, etc.

WHEREAS, the Court would like to apply for a JCAP grant in the 2024-2025 grant cycle to cover costs for items that would enhance the courthouse's usefulness and appearance. Further, should the grant be denied, said items would not be purchased until other funding was first secured.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord authorizes the Concord Town Court to apply for a JCAP Grant in the 2024-2025 grant cycle up to \$30,000.00.

Voting as follows:

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

The foregoing resolution was thereupon declared duly adopted.

ITEM #4 PLAYGROUND EQUIPMENT

Supervisor Drozd has been in contact with the Lancaster Supervisor regarding their playground equipment. Lancaster will be replacing their playground and

has offered their existing playground equipment to the Town. Supervisor Drozd, Crew Chief Larry Heim and employee Shawn Cramer went to look at the equipment and its not in bad shape. There are two pieces of the playground; the big one is too big for the space at Community Park without taking out trees. The smaller playground would fit in the footprint of where the playground is located now. Supervisor Drozd had pictures of the playground to show the Board. Supervisor Drozd is reaching out to the company to see if a representative would be able to come to assist on the installation at Community Park. The Town has not yet heard from the company's representative as far as how much the charge would be to have a representative here to guide the Highway Department with installation. Lancaster has their new equipment on site now; at a cost of \$300,000. Supervisor Drozd advised the Board that he had spoken with the Lancaster Supervisor and Lancaster would just be looking for a token amount of money for the equipment. Town of Lancaster Parks Department (six employees) and three or four of our Highway Department employees would be taking down the equipment; that way our employees can see how it comes apart. Council Member Kassel questioned how old the playground equipment is? Not that old; it's that new steel equipment. Council Member Krzemien noted that it is like the one at the SGI Elementary School. Supervisor Drozd noted that the Town would never be able to afford new equipment; Lancaster routinely replaces their equipment every so many years. Their cash flow allows for replacement. Supervisor Drozd advised that the Town is receiving a \$50,000 grant from Assemblyman DiPietro would cover the rubber surface for under the playground equipment; this would be the same rubber surface material just used at the Hulbert Library Community Space. The grant money would cover the cost of the rubber surface for the playground footprint and probably a small swing set. Council Member Zittel questioned if this would interfere with the disc golf course currently at the Park. Supervisor Drozd said no, and if they have to, the Highway Department can move the one basket over a little bit. Town Clerk Schweikert noted that the Lions Club just donated money to the Town for the disc golf signage and these signs note the basket information; if baskets are moved, the new signage would not be accurate. If the equipment stays within the current footprint, it will not interfere with the disc golf course. Council Member Zittel asked if there was an estimate on the timeline for taking it down and putting it up. Supervisor Drozd said that it would probably be a couple of days to take it down; Lancaster wants to start taking it down as soon as their Park's Department can fit it in their schedule; within the next two or three weeks. Council Member Zittel asked what the budget is for buying it, taking it down and putting it up? Supervisor Drozd said the Town would need to do some concrete to set the poles; the Highway Department are on the Town's payroll anyways. The work would be done in house. The grant money would be used or any money that is left in the Park's budget line; one budget line is over because the Town bought the steel to do the pumphouse. That roof was rotting. Supervisor Drozd thought that material cost could be about \$5,000. There could be some welding needed. Supervisor Drozd said that if the Board wants to wait on this, it could be tabled; that would allow Supervisor Drozd to get information back from the company representative. Council Member Kassel wondered if there are regulations on the metal; does it need to be coated? It already is. Council Member Kassel noted that when they start ripping it out, the metal might be damaged. Council Member Zittel told the story of what is happening at the East Concord Fire Department with the free bleachers they received from the Stadium. They were free; and now there is disagreement as to where the bleachers should be located; he doesn't want to see this happen with the playground equipment. Supervisor Drozd advised that when you have 200-300 kids at Community Park playing ball, there are other kids in these families that are smaller and what do we do with them? People travel to other communities in leagues and see what other towns have available. Council Member Krzemien said that the Town definitely needs new playground equipment. Supervisor Drozd noted that the Town has to invest in our youth. The Board has to do this diligently and go through with it vs. buying new equipment. Council Member Krzemien said that she thinks everyone is on board with this but just wanted more information. Supervisor Drozd noted that it would not have to be put up this year. Council Member Drake said that time is against us; the Town should do it. Supervisor Drozd added if everything falls into place. Motion by Council Member Drake, seconded by Council Member Zittel, to move ahead with the purchase of the small playground equipment from the Town of Lancaster. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried. Council Member Kassel noted that as long as nothing gets broken as it's being removed; he doesn't know what the rules are for the metal but it has

to be coated so if there are scratches the entire playground may need to be coated. Karen Geelan suggested that the Town might want to contact their insurance company to check into the liability issue of putting up used playground equipment; Supervisor Drozd will do this.

ITEM #5 PRESENTATION OF THE 2025 TENTATIVE BUDGET

Town Clerk Schweikert presented the Tentative Budget to the Board. Motion by Council Member Zittel, seconded by Council Member Drake, to accept the 2025 Tentative Budget for the Town of Concord as presented by the Town Clerk. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

Supervisor Drozd reviewed some of the budget information:

- Another Code Enforcement Office position has been added.
- Workers' compensation insurance for the sewer operators and another highway employee. The amounts are estimated at this time as far as Worker's compensation and insurance; the Town is waiting for the final figures.
- Assessor Martin advised the average assessment for the Town is \$68,300 and for the Village it is \$56,600. With the amounts in the Tentative Budget, a Village parcel would go up \$24.15 and a Town parcel would go up \$29.15. If the figures go up or down, that will change.
- \$75,000 was used from surplus. There is about a 40% surplus right now in our General Fund Town-wide so that could be increased another \$25,000 or so. It still would not hurt our fund balance and it would drive those estimates down a little bit. Also depends on the insurance figures and a couple other loose ends that need final figures; the Town is at the mercy of other entities to get these figures.
- Craneridge Lighting has been taken out completely. It appears that lights remain on Woodstock. Assessor Martin needs this information in writing from National Fuel that their work is done up in Craneridge. This will save the residents of Craneridge Lighting District some money.
- There is a budget line for the Parks Department. The services done by the Highway Department gets paid from the Parks' budget line, or the Cemetery line for work at cemeteries.
- Parks' equipment line was increased in anticipation of the playground equipment. This year the Town had to purchase all the first-time supplies for the new Pavilion; there is enough to carry through most of 2025 but the budget line was increased just in case. Utilities was dropped a little bit because the electric has been running good with the LED lighting at the Park. The Miscellaneous line was increased a little bit as well because if the Highway Department does the steel on the big shelter. The roof is good on that shelter. This would be done in house and save the Town money.
- Historical property budget line went up a little for the Historical Society stipend. The Town will be watching for grant money for historical buildings for the roof. The Bensley Center lines were reviewed with Jolene Hawkins.
- Garbage was increased.
- Minimum wages; the Town needs to be fair.
- Cemeteries. The Maplewood Cemetery amount was increased to \$5,000. This will help the cemetery get down a few trees and help with their mower payment. Council Member Krzemien has been researching Green Burials and will bring this information to the Board.
- Highway Department sand and salt line was dropped a little bit. It has been running high. It is down from last year plus the fuel because we were anticipating that to be high so that was dropped down. The road budget was increased because of blacktop and stone for oil ad chipping is higher.
- The Bridge Fund was increased to cover the Ross Road project. With what is in that fund to carry over and what is budgeted for next year, the Town will have their obligation for the \$1.4 million grant, the 5% match. Next year, 2025, the Town will be paying the engineer costs which would cover if any right of way is required.
- Fire Contracts. The Town is in the last year of those Contracts.
- Cattaraugus Street Water District. These figures had to be updated a little

bit because the line was extended and then there was the break the year before. This increase would give the Town a little money in case something happens in the District.

- Trevett Road Water District. The Town did receive the bill for the hydrants; it was the same as last year but the line was increased in anticipation of the higher costs next year.
- Kissing Bridge Water. This line was increased a little but the bulk of that will be out of the project money to extend that District. The pressure reducing valves and other equipment will come out of the NYS Revolving Loan or Water Resource Loan that MDA and Municipal Solutions are exploring.
- Youth Fund. The Town is in their Contract with them so there are three more years on that Contract.
- Van Fund. The money is in the line for the next van. The current van has 50,000 miles on it; going in for the first brake service. By the end of next year, the van will probably have 79,000 or 80,000 miles on it. Either next year or the following Spring, the Town will need to bid out for a van and the money will be there to replace the van.
- The figures put in the Tentative Budget are the figures requested by each Department. This Tentative Budget should be reviewed closely by the members to see if anything is out of line, or if there are questions about why there was an increase, it can be discussed at the next budget meeting. Council Member Drake will print out the fund balances for the Board. Supervisor Drozd noted that the Board is anticipating a small surplus this year already from the payroll from the Assessor's Office; sales tax increase and Departments controlling their expenses.

The Board will be reviewing the Tentative Budget for the next few days and schedule another Work Session; maybe by that time the insurance figures will be available.

ITEM #6: COUNCIL MEMBER NOTES

Town Clerk Schweikert reminded the Board that there are two Public Hearings before the October 10th meeting: Community Development Block Grant at 6:15 p.m. and Local Law to Override the Tax Cap at 6:30 p.m. Council Member Zittel asked RIC Energy would be on the Agenda that night. Town Clerk Schweikert said that the last RIC Energy packet was emailed to Caleb Henning, MDA, for review and Mr. Henning has not yet reached out to the Town with his findings. Supervisor Drozd does not think that Mr. Henning will have anything to the Town by next week.

Supervisor Drozd noted that Mr. Henning is also working on the CDBG application for the Community Park bathroom restoration. Mr. Henning noted that there are no NYS laws as so the restrooms at the Park, but there are guidelines. The one building is not enough. SYI has in past brought in port-a-johns but that was an issue this past year. Council Member Krzemien noted that the Town required them to have one because the Town did not know how the new building would work with all the people. Council Member Drake noted that the project should include making a pathway up there for ADA compliance; asphalt or something. It is possible that millings could be used for a path; rolled out and sealed. That could work and save the Town some money. Council Member Zittel said the Town should also start budgeting for a new septic; Supervisor Drozd found the original septic map.

Council Member Kassel asked if Supervisor Drozd attended the meeting for the homeless... what happened? Supervisor Drozd had attended and said that this will be discussed at Thursday's Town Board meeting. There is a Community Engagement Team established now with a Sargeant and 4 deputies on the team. This is their job now. It is divided into five zones in the County. One the gentlemen who signed up for this team is a deputy that regularly works down here and another works for the Village part-time. There are two out of four that know our area. This homeless problem goes from Concord to Grand Island right now. They will lay out their plan. They will be attending Town Board meetings. They will be coming to next week's meeting. Council Member Zittel asked if there was any mention of squatters and Supervisor Drozd said it was suggested that Towns have their Town Attorneys review their Codes to see what is on

record for loitering, panhandling. This team has been in contact with the local municipal patrols; they are being trained on sensitivity training and to offer resources to the homeless; to try to help out the situation that is Countywide situation. Council Member Krzemien noted that she doesn't even walk the ECRT anymore.

ITEM #7: MOTION TO ADJOURN

Motion by Council Member Zittel seconded by Council Member Krzemien, to adjourn the meeting at 10:05 a.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.



Darlene G. Schweikert
Town Clerk