

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

September 10, 2020

MEETING CALLED TO ORDER BY CLYDE M. DRAKE, SUPERVISOR

PRESENT: CLYDE M. DRAKE, SUPERVISOR
JAMES M. KREZMIEN, COUNCILMAN
KENNETH D. ZITTEL, COUNCILMAN
PHILIP DROZD, COUNCILMAN

EXCUSED: WILLIAM F. SNYDER, III, COUNCILMAN

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

MAX BORSUK, Springville Journal

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1 APPROVAL OF MINUTES

a) Town Board Work Session – 08/13/2020 - Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

b) Town Board Meeting – 08/13/2020 – Motion by Councilman Zittel, seconded by Councilman Krezmien, to approve the minutes as presented. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

ITEM #2 PUBLIC COMMENT

No one wished to address the Board. Motion by Councilman Krezmien, seconded by Councilman Zittel, to close Public Comment. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

ITEM #3 MONTHLY REPORTS

Motion by Councilman Drozd, seconded by Councilman Zittel, to approve the Monthly Reports, Items a-f. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

- a) Code Enforcement Officer – August 2020
- b) Dog Control Officer – August 2020
- c) Supervisor Report – July 2020
- d) Town Clerk Report – August 2020
- e) Judge Frank – August 2020
- f) Van Report – July 2020

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

Hwy Supt Edwards discussed the following with the Board:

(1) Hwy Supt Edwards had received a call from a Craneridge resident who had a contractor that put in a driveway at their home. They wanted the highway department to go pick up the culvert pipe that had been taken out. He wanted the Board to know that he did go pick up the culvert pipe. The old culvert pipe was 15 inches; the newly installed one is 8 inches.

(2) Hwy Supt Edwards asked Supervisor Drake what he had found out about Townsend Road. Supervisor Drake explained that he had received a telephone call from a resident looking for minutes from a 2009 Town Board regarding putting signs up on both ends of Townsend Road; "No littering" signs. The resident said there was a letter from Legislator Mills saying that it was a municipal responsibility even though it was a County road. Councilman Drozd noted that the signs would be advisory signs only and not enforceable. Supervisor Drake said the resident is claiming that there is littering going on. Supervisor Drake suggested getting the license plate number or try to get an address from the litter; maybe the sheriff's department can then assist. The resident also noted that there is a spot where utility vehicles pull in to eat to lunch. Councilman Drozd noted that it could be the dirt portion at the end of Townsend near Springville-Boston Road. Councilman Zittel believes that the DEC takes responsibility for trying to locate people; maybe advise the resident to check with the DEC. Supervisor Drake asked Town Clerk Schweikert to check the 2009 Minutes for this matter.

The resident also talked to Supervisor Drake about the speed limit on Townsend Road. At one time, the residents wanted the speed limit reduced to 35 mph. It's now 45 mph. Councilman Drozd recalled this and noted that the State would not lower it to 35 mph. This is a thorough fare that connects two County roads. The resident told Supervisor Drake that there were only five houses on the road at that time and that was the reason it could not be reduced to 35 mph. Councilman Drozd said that would not have been the reason. The Town would need to initiate any application for a speed reduction but he believes that the Town would just be spinning their wheels and the application would not go anywhere. In his personal opinion, he does not recall any significant change to warrant the reduction to 35 mph. Supervisor Drake advised the resident that step one is to get a petition from the neighbors and submit that to the Town.

Motion by Councilman Krezmien, seconded by Councilman Drozd, to accept the Highway Report. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

Supervisor Drake asked Dog Control Officer Robinson if she had anything to add to her monthly report. DCO Robinson advised the Board that she is starting to enforce the law and working on dog licenses from last November, December and January and now threatening summons. They are being given to September 25th to renew and push that date out for the more recent ones. She is not sure how the Prosecutor is going to feel about her writing the summons because she knows he has a lot of stuff to do already. There is no excuse for owners not to license their dogs; she does not want to hear about COVID anymore. If they are not comfortable face to face, the licenses can be mailed in or put in the dropbox. The excuse that the dog can't get into the veterinary office, well, now there is a clinic every other weekend at Tractor Supply so that is not an excuse now.

ITEM #4 OLD BUSINESS

There was nothing for Old Business.

ITEM #5 NEW BUSINESS

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

General Fund A, abstract 9, bills 799-845; \$62,161.34
 General Fund B, abstract 9, bills 846-852; \$695.38
 Library Fund, abstract 9, bill 853-854; \$865.09
 Fire Protection, abstract 9, NONE
 Joint Van, abstract 9, bills 855-858; \$1,413.72
 Joint Youth, abstract 9, NONE
 Craneridge Lighting, abstract 9, bill 859; \$1,462.88
 Craneridge Sewer, abstract 9, bills 860-870; \$11,184.04
 Highway DA, abstract 9, NONE
 Highway DB, abstract 9, bills 871-882; \$15,181.05
 Kissing Bridge Water, abstract 9, bills 883-884; \$4,682.08
 Kissing Bridge Sewer, abstract 9, bills 885-889; \$146.00
 Trevett Rd. Water, abstract 9, NONE
 Cattaraugus St. Water, abstract 9, bill 890; \$546.56
 Trust & Agency, abstract 9, bill 891; \$105.95
 Capital (HA) Craneridge Sewer, abstract 9, NONE
 Capital (HB) Land, abstract 9, NONE
 Capital (HD) Catt St, abstract 9, NONE
 Capital (HE) Sr. Ctr, abstract 9, NONE
 Capital (HF) Hwy Equip, abstract 9, NONE
 Capital (HG) Waste Study, abstract 9, NONE

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

b) Agricultural District Annual Enrollment – Town Clerk Schweikert read the Agricultural District Notice of Open Enrollment into the Minutes. This Notice is also posted in the Bulletin Board at the Town Hall and the town's website.

PUBLIC NOTICE

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerk's, Assessors and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at www.erie.gov/environment.

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

Contact Information:
 Sarah Gatti, Senior Planner
 Erie County Environment & Planning
 95 Franklin Street, 10th Floor
 Buffalo, NY 14202
 Phone: (716) 858-6014
 Fax: (716) 858-7248
 Email: agriculture@erie.gov

c) Retention Schedule – Supervisor Drake advised that New York State has revised their Retention Schedule. This new schedule came out in May 2020 but the actual schedule was not available until August 2020. The new schedule is now out and the Town has to adopt the new schedule before we can start using the schedule. This new schedule revised the MU-1 Schedule for use by governments for record retention.

Councilman Krezmien moved the adoption of Resolution 9, seconded by Councilman Zittel:

Resolution to Adopt the Retention and Disposition Schedule for New York Local Government Records LGS-1

RESOLVED, by the Town Board of the Town of Concord that the Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) Only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;

(b) Only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Voting as follows:

Councilman Drozd	Aye
Councilman Krezmien	Aye
Councilman Snyder	Excused
Councilman Zittel	Aye
Supervisor Drake	Aye

The foregoing Resolution was thereupon declared duly adopted.

d) Set CDBG Public Hearing Date – Supervisor Drake asked the Board to set the Public Hearing for Thursday, October 8, 2020 at 6:30 p.m. Supervisor Drake explained that this is Federal Community Development Funds. The purpose of this hearing is for citizens to express community development and housing needs and to discuss possible projects which would benefit low- and moderate-income peoples in the Town. Supervisor Drake advised one of the projects is the Rural Transit Van which the Town will need to take a look at this year because since the middle of March, one ride has been given. The van sits in our parking lot. One of the problems is availability of drivers. They do not want anyone driving over the age of 70 so that eliminates most of our drivers. The Board will need to review this to determine if this project should be on the CDBG list. Councilman Krezmien asked if there were other projects in the Town. Supervisor Drake advised that last year, the Town put in to pave the Senior Center and we could turn that in again. This process is just getting started so the Board members have time to review. Supervisor Drake noted that the Town gets points if you don't get approved for a project so we are higher on the list than we were last year. Motion by Councilman Zittel, seconded by Councilman Krezmien, to set the Public Hearing for the Community Development Block Grant for Thursday, October 8, 2020 at 6:30 p.m. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried. Town Clerk Schweikert will put the notice of the meeting on the signboard at the Town Hall and also the Town's website.

e) Set Tax Cap Public Hearing Date – Supervisor Drake asked the Board to set the Public Hearing for Thursday, October 8, 2020 at 6:45 p.m. Supervisor Drake advised that this is not to say that the Town is going over the tax cap but the tax cap for Western New York is 1.56%. Bookkeeper Timmel is putting numbers into the NYS website to see exactly where the Town is at this time with the budget. The Town may have some credits from last year. Supervisor Drake has told the Board previously that the Town should wait as long as we can to pass the 2021 Budget. This Public Hearing will be just in case type of scenario. The Town still has sales tax coming in October which is huge for the town's finances. October also has the liability insurance due then that will give a good indication for the budget. He has spoken to Evans Agency and they do not think that it will jump too much. Motion by Councilman Krezmien, seconded by Councilman Zittel, to set the Public Hearing for Thursday, October 8, 2020 at 6:45 p.m. for the 2020 Budget. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried. Town Clerk Schweikert will put the notice of the meeting on the signboard at the Town Hall and also the Town's website.

Supervisor Drake asked for a motion to add (e) Paula Lutz Resignation and (f) Town Park Use to the Agenda. Motion by Councilman Krezmien, seconded by Councilman Zittel, to add Items (e) and (f) to the Agenda. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried.

f) Resignation Letter – Paula Lutz – Supervisor Drake received a resignation letter from Paula Lutz who worked at the Senior Center for the last couple of years. When the COVID pandemic hit and the Senior Center was shut down, she found a job and has been working there since. Mrs. Lutz was looking for a definite schedule from Senior Center for certain days and things just did not open back up yet and the Town could not give her days. Mrs. Lutz has found another job. Supervisor Drake read her resignation letter: "It is with regret that I submit my resignation from the Town of Concord Senior Center effective immediately. I am grateful for having had the opportunity to serve the Senior Citizens of our community. I offer my best wishes for the success of the Senior Center in the future." Motion by Councilman Drozd, seconded by Councilman Krezmien, to accept the resignation of Paula Lutz with regrets. Councilmen Krezmien, Zittel & Drozd; Supervisor Drake, voting aye; Councilman Snyder, excused. Carried. Senior Director Eschborn will be putting an ad out in the Springville Journal and is also reaching out to the Pennysaver to request interested people to contact her.

g) Town Park Use – Councilman Drozd received communication from Jessica Schuster looking to pay rental fees on the Community Park parking lot for a drive-thru chicken barbeque. Town laws and safe social distancing guidelines would be followed. There would be only a few volunteers and they would wear masks. Supervisor Drake noted that the Town Park parking lot had never been rented before and the Park is open with COVID restrictions; the bathrooms are not open. Supervisor Drake had concerns that if the drive-thru chicken barbeque was using the parking lot, how would people wanting to play disc golf get into the lot to park. There has been quite a bit of activity at the Park to play disc golf. Supervisor Drake said that if people were to get the chicken dinner and then go into the park to eat, he would get telephone calls saying that people were using the park and not socially distancing. Councilman Drozd was not certain if they would want to rent the shelters or just the parking lot. The chicken would already be cooked; it would just be a drive-thru. Councilman Krezmien stated that at this time the Town did not receive an application in from them. Councilman Drozd said that Mrs. Schuster called him and he did not think to have her submit a written request. Councilman Drozd did not have the date for the event. Councilman Krezmien noted that the cars would be drive-thru so not parking cars; cones could be put up but it would take half of the lot. Supervisor Drake asked how the people using the park would get into the lot then; that's my point. Would those residents have to wait in a line to get into the parking lot. Councilman Drozd advised that he has heard nice things about the disc golf and that should be let known to the public of what is now available to Community Park. Councilman Drozd received a text from Mrs. Schuster with the proposed dates of September 27th and October 4th from about 11:30 a.m. to 1:30 p.m. Councilman Drozd stated that there have been these types of events at the fire hall and the transaction time is short in picking up their dinners. Councilman Drozd personally does not see how the Board can say no. Supervisor Drake believes that the parking lot was never rented in the

past for any public fundraisers and is concerned that this will open the flood gates for other organizations wanting to use the parking lot. Councilman Drozd said that it is a nice facility and we should get some use out of it; Supervisor Drake noted that COVID has impacted the use of the park. Councilman Krezmien asked what the fee is to rent the parking lot; the same as a shelter rental? Rentals at Community Park are done through the Supervisor's Office. Motion by Councilman Drozd to allow the Concord Democratic party to rent the Community Park parking lot for either September 27th or October 4th at the fee of \$25. The date would be confirmed with the Town. Supervisor Drake asked if there was a second. Supervisor Drake asked again for a second. There was no second. Motion did not pass due to failure to receive a second.

ITEM #6 EXECUTIVE SESSION

There was no Executive Session.

ITEM #7 CONSENT AGENDA

There was no Consent Agenda.

ITEM #8 COUNCILMAN NOTES

a) Councilman Zittel noticed that is how often that little picnic table at the corner of Middle Road and Springville-Boston Road at Community Park is being used. The amount of people at the park is growing. He thanked Park Superintendent Schweikert for all the work he has done with assisting with the disc golf course and putting in a walking trail through the woods. Justin King went to Park Superintendent Schweikert a few years ago about installing the disc golf course and there is now a 9-hole disc golf course set up and being used. Another 9-holes may be added in the future.

b) Councilman Zittel congratulated Hwy Supt Edwards for all the work he has done at the Highway Barn and the savings to the Town.

c) Councilman Drozd advised that the work got started today on the parking lot at the Springville Fire Hall.

d) Councilman Drozd brought the Board up to date from the last Library Board meeting: (1) the Library Board thanked the Board and Hwy Supt Edwards for tree work down; and (2) the Library Board vote unanimously to pitch in \$5,000.00 if the Town Board would get the boiler fixed at the Hulbert Library. Councilman Drozd told the Library Board that he would bring it to the Board for their input and that way it would be on record. The Board discussed putting out a Request for Proposal (RFP) to see exactly what the cost would be and how big of a boiler the Library needs. The current boiler may not be the correct size. There is concern that the boiler will break down and the Library has been having an uptake of people coming in. Councilman Drozd thinks that this is a very generous offer from the Library. Supervisor Drake detailed the monies in the 2020 budget; there was \$4,000 but some has been spent so there is about \$1,500 left. The A Fund is low because there are no Court fines because of the COVID-19 closure of the Courts; maybe try to do it next budget year. The Town could send out the RFPs and see what responses are received.

Hwy Supt Edwards asked Councilman Drozd what the Library hours are because the Highway Department will be blacktopping the parking lot. Councilman Drozd will check the hours and get that information to Hwy Supt Edwards.

e) Supervisor Drake informed the Board that at the September 1st Planning Board meeting, the Board heard the Home Occupation Permit Application of James Croft and heard from the neighbors. The Planning Board, after asking many questions, went ahead and approved the Home Occupation Permit Application for the Croft handwashing car business as long as he follows the Code.

f) Supervisor Drake advised that he will be having a meeting Friday with the East Concord and Mortons Corners Fire Departments at 3 p.m. to discuss the Control Center contract. He had previously met with Mayor Krebs and Liz Melock on this matter.

ITEM #9 MOTION TO ADJOURN

Motion by Councilman Drozd, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 7:46 p.m. in memory of:

Brooke Walker
Roger A. Folts
Sarah A. LeVeque
Lynn E. Botsford



Darlene G. Schweikert
Town Clerk

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