

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

April 8, 2021

MEETING CALLED TO ORDER BY CLYDE M. DRAKE, SUPERVISOR,  
at 7:00 p.m.

ROLL CALL: CLYDE M. DRAKE, SUPERVISOR  
KENNETH D. ZITTEL, COUNCILMAN  
WILLIAM F. SNYDER, III, COUNCILMAN  
PHILIP DROZD, COUNCILMAN

EXCUSED: JAMES M. KREZMIEN, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk  
BARRY A. EDWARDS, Hwy Supt.  
BRIAN F. ATTEA, Town Attorney  
CAROLYN ROBINSON, Dog Control Officer

KIMBERLY KRZEMIEN KELLY CAMPBELL  
MAX BORSUK, Springville Journal

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1 APPROVAL OF MINUTES

a) Work Session – 3/11/2021 - Motion by Councilman Zittel, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

b) Town Board Meeting – 3/11/2021 – Motion by Councilman Drozd, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

c) Special Town Board Meeting – 3/16/2021 - Motion by Councilman Snyder, seconded by Councilman Drozd, to approve the minutes as presented. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

d) Special Town Board Meeting – 3/30/2021 - Motion by Councilman Zittel, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

ITEM #2 PUBLIC COMMENT

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

ITEM #3 MONTHLY REPORTS

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

- a) Code Enforcement Report – March 2021
- b) Dog Control Officer Report – March 2021
- c) Town Clerk Report – March 2021
- d) Judge Gibbin Report – March 2021
- e) Judge Frank Report – March 2021

f) Highway Report – Hwy Supt Edwards read his filed report. His report is included in the Minute Book. Motion by Councilman Drozd, seconded by Councilman Zittel, to accept the written Highway Report. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

ITEM #4      OLD BUSINESS

There was no Old Business.

ITEM #5      NEW BUSINESS

a) Audit of the Bills –

Year 2021 Abstract 4:

General Fund A, abstract 4, bills 238-283; \$24,701.64  
 General Fund B, abstract 4, bills 284-289; \$2,339.09  
 Library Fund, abstract 4, bills 290-292; \$1,006.78  
 Fire Protection, abstract 4, bills 293-296; \$382,530.28  
 Joint Van, abstract 4, bills 297-298; \$183.39  
 Joint Youth, abstract 4, NONE  
 Craneridge Lighting, abstract 4, bill 299; \$1,670.23  
 Craneridge Sewer, abstract 4, bills 300-309; \$14,602.87  
 Highway DA, abstract 4, NONE  
 Highway DB, abstract 4, bills 310-329; \$23,514.78  
 Kissing Bridge Water, abstract 4, bills 330-331; \$220.00  
 Kissing Bridge Sewer, abstract 4, bills 332-336; \$12,476.00  
 Trevett Rd. Water, abstract 4, NONE  
 Cattaraugus St. Water, abstract 4, NONE  
 Trust & Agency, abstract 4, NONE  
 Capital (HA) C. Sewer, abstract 4, NONE  
 Capital (HB) Land, abstract 4, NONE  
 Capital (HD) Catt St, abstract 4, NONE  
 Capital (HE) Sr. Ctr, abstract 4, NONE  
 Capital (HF) Hwy Equip, abstract 4, NONE  
 Capital (HG) Waste Study, abstract 4, NONE

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

b) Boarding Fee for Dogs – Dog Control Officer Robinson would like the Board to review the boarding fee which is currently \$10/day. She is requesting an increase to \$15. If a teenager can get \$15/hour to work at a counter, for \$10/day she walks the dog four times a day, listens to it bark, cleans up after it. DCO Robinson checked with other neighboring towns to see what their town charges for boarding fees: Boston \$25/day; Colden, Collins, North Collins and Eden all charge \$20/day; so maybe it should be increased to \$20/day. Councilman Drozd asked DCO Robinson if this amount included food. DCO Robinson noted that for a very long-time residents have donated their food, dog leashes, and dog beds to her when their dog dies so she has not had to purchase food for the last six to seven years. Most of dogs are in her care just for an overnight stay or until they obtain a dog license. She has not had a long-term dog for a long time. Motion by Councilman Snyder, seconded by Councilman Zittel to increase the boarding fee for dogs to \$20.00 per day. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

c) Award Mowing Bid – Supervisor Drake had received two RFPs for mowing but one RFP was only for the Senior Center. The second RFP was for the mowing of the Spaulding Road, East Concord and Mortons Corners Cemeteries and the Concord Senior Center. CBS Landscaping and Snowplowing bid just the Senior Center for \$1,908.56; Maple Rock Ventures LLC bid includes both the cemeteries and the Senior Center for a

total of \$4,775 (\$1,500 for the Senior Center and \$3,275 for the cemeteries). Maple Rock Ventures bid for the Senior Center is lower than the CBS Landscaping bid. Supervisor Drake informed the Board that the owner of Maple Rock Ventures LLC is an employee of the Town at the Highway Department. Supervisor Drake questioned if the Town could accept his bid so he called the Buffalo Office of the State Comptroller; as long as the employee is not an elected official, the bid can be accepted. ST&J's Lawn Care and Landscaping who was awarded the mowing last year did not submit a bid this year because he had shoulder surgery. Town Atty Attea advised that the LLC can have employees and as long as the mowing does not interfere with the employee's duties at the Highway Department, he did not see a problem with the bid. Motion by Councilman Zittel, seconded by Councilman Drozd, to award the mowing of the cemeteries and the Concord Senior Center to Maple Rock Ventures LLC in the amount of \$4,775 for the 2022 Season. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

d) Highway Department – Agreement to Spend Town Highway Funds – This was discussed earlier this evening during the Work Session. Hwy Supt Edwards advised that this Agreement is not for all the work that will be done this year but just for resurfacing and stripping the approximate ½ mile of Cascade Drive, 60 feet wide; the resurfacing cost of \$99,968.00 and stripping cost of \$17,831.49. This will also correct the 39 current violations for no arrows and no crosswalks on that section of Cascade Drive. There is \$200,000.00 in the budget. Hwy Supt Edwards received notice from NYS DOT that the Town would be receiving \$53,863.69 in CHIPS, \$12,294.92 in PAVE NY and \$9,958.68 in EWR (Extreme Weather Recovery) totaling \$76,117.29 as well as Rollover Amounts: \$8,504.79 in CHIPS, \$1,941.31 in PAVE NY and \$1,572.43 in EWR totaling \$12,018.53. Total amounts to be received would be \$88,135.82. Councilman Zittel noted that Hwy Supt Edwards did his homework on this matter. Hwy Supt Edwards advised that the trucking cost of \$3,520 would be deducted because the Highway Department would do that work. Motion by Councilman Drozd, seconded by Councilman Snyder, to approve the Agreement to Spend Town Highway Funds for the resurfacing and paint/stripping of Cascade Drive from Route 39 to Waverly Street in the amount of \$117,800.50. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

e) Solar Resolution – Supervisor Drake, Councilman Drozd and Planning Board Chairman Kelly met with Andrew Reilly of Wendel Companies on the revision of the Solar Law. A copy of the draft was provided to the Board; the Town is still working on finalizing the law. A resolution was prepared by Mr. Reilly to put Erie County on notice and authorizing the SEQR process to begin. This process takes a minimum of 30 days. Town Atty Attea read the resolution into in the Minutes:

Councilman Drozd moved the adoption of Resolution 1, seconded by Councilman Zittel:

WHEREAS, the Concord Town Code contains and specifies the local laws, and ordinances of the Town of Concord; and

WHEREAS, the Town of Concord has observed that the Concord local law that regulates the siting of solar energy systems in the Town is outdated and does not address the issues in the Concord Comprehensive Plan or current solar technologies; and

WHEREAS, the Town, through a Solar Committee and the Town's consultant, has drafted an updated Solar Energy System Law and that draft law was presented to the Town Board, and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law as follows:

Be it enacted by the Town Board of the Town of Concord, New York, that the Concord Town Board amends the Town Zoning Law, Chapter 150 of the Concord Town Code by

replacing the existing sections of the Code on Solar Energy Systems with a new Solar Energy Systems law.

NOW, THEREFORE BE IT RESOLVED, that the Town Board would like to start the process of considering this zoning code revision by referring this proposed code revision to Erie County in accordance with General Municipal Law section 239-m, and authorizing the SEQR process to begin by completing a SEQR coordinated review to establish the Concord Town Board as SEQR Lead Agency, and

BE IT FURTHER RESOLVED, that the Concord Town Board sets a Public Hearing on this proposed zoning code revision at the Concord Town Hall, at 6:00 pm on May 13, 2021.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

Supervisor Drake asked the Board for a motion to add additional items to the Agenda, Item (f) Planning Board Resignation; (g) 2020 Year-end Budget Transfers; (h) Tree planting at the Hulbert Library. Motion by Councilman Snyder, seconded by Councilman Zittel, to add Items (f) (g) and (h) to the Agenda. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

f) Planning Board Resignation – Supervisor Drake informed the Board that Planning Board Chairman Larry Kelly. He read the resignation letter: “I, Lawrence J. Kelly, Jr., at the conclusion of the April 6, 2021 Town of Concord Planning Board Meeting resign from this panel and all other advisory committees of and for the Town of Concord. Thank you for the opportunity to serve the Town of Concord and I hope you realize I tried to do it to the best of my ability. Respectfully submitted, Lawrence J. Kelly, Jr.” Motion by Councilman Zittel, seconded by Councilman Snyder, to accept the resignation of Lawrence J. Kelly, Jr., with regrets. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

g) Year-end Budget Transfers – Supervisor Drake had discussed these transfers earlier this evening during Work Session. The transfers were prepared by Drescher & Malecki and the entries need to be journalized to offset budget lines on particular funds that were overspent. There was one entry for the Cattaraugus Street Water District where there was not enough in the fund to cover the expense in the amount of \$957. This was because off the water leak that occurred and the Town was aware of it. Councilman Drozd noted that last year was a crazy year.

Councilman Drozd moved the adoption of Resolution 2, seconded by Councilman Zittel:

WHEREAS, the Town is in the process of closing the accounting records for the fiscal year ended December 31, 2020, and

WHEREAS, certain appropriation accounts were noted to need adjustment to allow for appropriate closing of accounts, and

WHEREAS, the funding for these adjusted appropriations is available within other appropriation accounts in the Town’s 2020 budget,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the amending of the Town's 2020 Budget as included in the following list:

2020 Budget Entries		
Account	Name	(From ) To
A1110.43	OFFICIERS SAFETY EQUIPMENT	5,166.00
A1220.1	SUPERVISOR - PERSONAL SERVICES	66.00
A1220.2	SUPERVISOR - COPIER, COMPUTER EQUIP	673.00
A1220.40	SUPERVISOR - SUPPLIES	236.00
A1320.41	AUDITOR - AUDITING ACCOUNTING	460.00
A1355.1	ASSESSMENT - PERSONAL SERVICES	2,091.00
A1410.1	TOWN CLERK - PERSONAL SERVICES	2,543.00
A1620.41	BLDG - HEAT LIGHTS	103.00
A1620.42	BLDG - MAINTENANCE	8,446.00
A1990.4	CONTINGENCY ACCOUNT	(19,905.00)
A4020.1	REGISTRAR OF VITAL STAT - PER SERV.	96.00
A8810.49	CEMETERIES - MISC	25.00
A5010.1	HIGHWAY ADMIN - PERSONAL SERV	1,047.00
A5010.2	HIGHWAY ADMIN - COMPUTER SOFT	(520.00)
A5010.47	HIGHWAY ADMIN - PHYSICALS TE	(260.00)
A5010.49	HIGHWAY ADMIN - MISC	(267.00)
A5132.40	GARAGE - SUPPLIES	3,318.00
A5132.41	GARAGE - UTILITIES	(3,318.00)
A5132.42	GARAGE - COMMUNICATIONS	(1,158.00)
A5132.49	GARAGE - MISC	1,158.00
A9010.8	STATE RETIREMENT	(19,467.00)
A9030.8	SOCIAL SECURITY	(8,355.00)
A9040.8	WORKERS COMP	(6,677.00)
A9050.8	UNEMPLOYMENT INSURANCE	36,716.00
A9060.8	HOSPITAL AND MEDICAL	(2,217.00)
SF3410.45	FIRE PROTECTION - FIRE CO EXP	(12,248.00)
SF3410.46	FIRE PROTECTION - SERVICE AWARDS	12,248.00
SW3-909	FUND BALANCE UNRESERVED	(957.00)
SW3-8389.41	MAINT - OPERATION	957.00
SW1-9010.8	STATE RETIREMENT	475.00
SW1-9030.8	SOCIAL SECURITY	27.00
SW1-8389.49	MAINT - MISC	(502.00)
B8010.1	ZONING - PERS SERV	(31.00)
B8010.41	ZONING - CEO CELL PHONE	30.00
B8010.42	ZONING - ZBA EXPENSE PER MEETING	1.00
B8020.48	PLANNING - UPDATE CODE BOOKS	(552.00)
B8035.48	SCENIC BYWAYS	50.00
B8160.49	REFUSE AND GARGAGE - TRASH PICKUP	944.00
B8684.49	PLANNING AND MGMT DEVELOP	5,799.00
B8810.49	CEMETERIES SUPPORT	(3,420.00)
B9010.8	STATE RETIREMENT	(2,821.00)
DB5110.49	GENERAL REPAIRS TOWN HWYS	(23,868.00)
DB5130.20	MACHINERY - EQUIP	14,487.00
DB5130.49	MACHINERY - EQUIP REPAIRS	9,381.00
DB9010.8	STATE RETIREMENT	(1,957.00)

DB9060.8	HOSPITAL AND MEDICAL	1,957.00
JV6772.42	PROGRAMS FOR AGING - REPAIRS	310.00
JV6772.49	PROGRAMS FOR AGING - MISC	(310.00)
JY7310.1	YOUTH PROGRAMS - PERS SERV	(5,372.00)
JY7310.41	YOUTH PROGRAMS - SPECIAL PROGRAMS	5,372.00
L7410.42	LIBRARY - ELECTRIC BILLS	(549.00)
L7410.49	LIBRARY - MISC	549.00
SS1-8130.40	SEWAGE - SUPPLIES	1,353.00
SS1-8130.44	SEWAGE - ELECTRIC	1,152.00
SS1-8130.45	SEWAGE - REPAIRS	(8,450.00)
SS1-8130.48	SEWAGE - PROF SERV	3,000.00
SS1-8130.49	SEWAGE - MISC	2,945.00
SS2-8110.41	SEWER ADMIN - CONTR	(1,088.00)
SS2-8110.49	SEWER ADMIN - MISC	1,088.00

## Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

h) Tree Planting at the Hulbert Library – Supervisor Drake advised that last year trees were cut down at the Hulbert Library because the ash trees had ash borer damage and now the Library Board would like to replace the trees. Councilman Drozd had attended the Library Board Meeting and noted that Schichtel's Nursery will donate four blossoming crabapple trees to the Library. They would grow to approximately 20-25 feet and would not interfere with the overhead wires. There would be no cost to the Town but the Library Board needs the Town's approval to do the planting. The locations have been measured out and the Library Board will do a re-dedication service after the trees are planted; all families involved were notified. Motion by Councilman Drozd, seconded by Councilman Snyder, to allow the Library Board to plant four crabapple trees at the Hulbert Library and have a re-dedication ceremony. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

Councilman Drozd asked Supervisor Drake if he would allow Agenda Item (i) Library Security System to be added to the Agenda. Motion by Councilman Drozd, seconded by Councilman Zittel, to add Item (i) to the Agenda. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

i) At the March meeting Councilman Drozd advised the Hulbert Library Board would be obtaining quotes for a security system at the Library. Librarian Morris received four quotes ranging from \$4,700 to \$9,725. This would include 4 inside cameras, 3 outside cameras, 6 inside screens with a 3-year warranty. Next week there will be a meeting at the Central Library and Librarian Morris will meet with the head of Buildings & Grounds to review the quotes and get his advice. This would be no cost to the Town. Librarian Morris would like the Town's approval now. Motion by Councilman Drozd, seconded by Councilman Zittel, to accept the recommendation of Librarian Morris on the

security system to be installed at the Hulbert Library at their cost. Councilmen Zittel, Snyder & Drozd; Supervisor Drake, voting aye; Councilman Krezmien, excused. Carried.

ITEM #6      EXECUTIVE SESSION

There was no Executive Session.

ITEM #7      CONSENT AGENDA

There was nothing for Consent Agenda.

ITEM #8      COUNCILMAN NOTES

1) Councilman Zittel informed the Board that there will be a Southtowns Planning and Development meeting on Monday, April 26, 2021 at the Holland Willows.

2) Councilman Zittel had stopped by the highway barn and the Department is doing incredible. The men are changing the oil, cleaning the equipment and shop, changing brakes.

3) Councilman Zittel said Happy Birthday to Erie County on their 200<sup>th</sup> year!

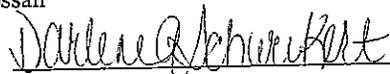
4) Councilman Snyder advised that SYI has programs up and running. Supervisor Drake noted that SYI would not be using the Snack Shack this year.

5) Councilman Drozd advised those in attendance that the Springville Volunteer Fire Company would be having a Chicken-Barbeque this Sunday starting at 11 a.m., until sold out.

ITEM #9      MOTION TO ADJOURN

Motion by Councilman Zittel, seconded by Councilman Drozd, and passed unanimously, to adjourn the meeting at 7:26 p.m. in memory of:

- Frieda M. Brisley
- Dorothy L. Hebdon
- Evelyn B. Scull
- Robert J. McIlreath
- Kathleen A. Plunkett
- Norman J. Dell, Jr.
- Scott P. Enser
- Betty B. Krezmien
- John DiBlasi
- Jeffrey A. Crossan

  
 \_\_\_\_\_  
 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)  
716-481-2848 (cell)  
Email: [concordhighway@gmail.com](mailto:concordhighway@gmail.com)

Barry A. Edwards, Highway Superintendent

Highway Superintendent's Report for the period of March 11, 2021 to April 8, 2021

With 28 days in this period, the Highway Department accomplished the following:

The guys had salted once.

Brakes and other mechanical work have been done on Truck #15 and Truck #19.

The guys are out assessing roads and fixing safe hits and signs.

Cut down tree and chipped behind Hulbert Library.

Re-brushed and dismantled 550 plows and wings; getting ready for paint.

The guys continue to clean shop and lunchroom and also take temperatures daily.

Continue to keep eye on beaver on Kaiser Road; he is back.

Cleaned front shop floors and washed off blacktop out front. Also cleaned rear shop floors.

Vac-All Cascade Drive, North Street, North Central, Hoffman Road, Morton Road, Pritchard Road, Chaise Road, and upper Randall.

Cleaned up two trees on Hoffman Road from wind damage.

Ditch on intersection of Cattaraugus Street and Chaise Road.

Met with Town Board and Five Star and ordered the new high lift.

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Started brakes on Truck #16.

Removed fill from Springville Fire Hall.

As Highway Superintendent, I still perform daily duties like patrolling roads, office work, and keeping five guys busy and happy.

Barry Edwards  
Highway Superintendent