

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

July 8, 2021

MEETING CALLED TO ORDER BY JAMES M. KREZMIEN, DEPUTY SUPERVISOR

PRESENT: JAMES M. KREZMIEN, COUNCILMAN  
KENNETH D. ZITTEL, COUNCILMAN  
WILLIAM F. SNYDER, III, COUNCILMAN

EXCUSED: CLYDE M. DRAKE, SUPERVISOR  
PHILIP DROZD, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk  
BRIAN F. ATTEA, Town Atty  
BARRY A. EDWARDS, Hwy Supt

KIMBERLY KRZEMIEN                   ASHLEY LOWRY  
GEORGE DONHAUSER                 KELLY CAMPBELL  
CLAIRE WRAZIN                     CALEB HENNING, MDA Engineers  
MAX BORSUK, Springville Journal

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY DEPUTY SUPERVISOR KREZMIEN

ITEM #1      APPROVAL OF MINUTES

a) Work Session – 6/10/2021 - Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel & Snyder, voting aye; Councilman Drozd & Supervisor Drake, excused. Carried.

b) Town Board Meeting – 6/10/2021- Motion by Councilman Zittel, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Krezmien, Zittel & Snyder, voting aye; Councilman Drozd & Supervisor Drake, excused. Carried.

c) Public Hearing – Kissing Bridge Special Use Application – 7/1/2021- Motion by Councilman Zittel, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Krezmien, Zittel & Snyder, voting aye; Councilman Drozd & Supervisor Drake, excused. Carried.

d) Special Town Board Meeting – 7/1/2021- Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel & Snyder, voting aye; Councilman Drozd & Supervisor Drake, excused. Carried.

ITEM #2      PUBLIC COMMENT

Deputy Supervisor Krezmien opened the floor for Public Comment. No one wished to address the Board.

Motion by Councilman Zittel, seconded by Councilman Snyder, to close Public Comment. Councilmen Krezmien, Zittel & Snyder; voting aye; Councilman Drozd & Supervisor Drake, excused. Carried.

ITEM #3      MONTHLY REPORTS

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

- a) Code Enforcement Officer – June 2021
- b) Dog Control Officer – June 2021
- c) Town Clerk Report – June 2021
- d) Supervisor's Report – January 2021
- e) Supervisor's Report – February 2021
- f) Supervisor's Report – March 2021
- g) Van Report – June 2021
- h) Judge Frank – May 2021
- i) Judge Frank – June 2021
- j) Judge Gibbin – May 2021
- k) Judge Gibbin – June 2021

l) Highway Report - Hwy Supt Edwards read his filed report. His report is included in the Minute Book. Deputy Supervisor Krezmien asked Hwy Supt Edwards if his department had put the rocks on the pipe on North Street; the Village dug down and put oversized rock there to try to drain the water.

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

ITEM #4      OLD BUSINESS

There was nothing for Old Business.

ITEM #5      NEW BUSINESS

a) Audit of the Bills –These bills were audited by Councilman Snyder, and reviewed by the Board.

General Fund A, abstract 7, bills 577-639; \$24,774.92  
 General Fund B, abstract 7, bills 640-649; \$3,004.28  
 Library Fund, abstract 7, bills 650-652; \$394.99  
 Fire Protection, abstract 7, bills 653-654; \$5,751.82  
 Joint Van, abstract 7, bills 631 & 655-657; \$178.66  
 Joint Youth, abstract 7, bills 656-661; \$26,483.33  
 Craneridge Lighting, abstract 7, NONE  
 Craneridge Sewer, abstract 7, bills 662-669; \$12,886.16  
 Highway DA, abstract 7, NONE  
 Highway DB, abstract 7, bills 670-693; \$26,372.09  
 Kissing Bridge Water, abstract 7, bills 694-696; \$71.20  
 Kissing Bridge Sewer, abstract 7, bills 697-700; \$9,249.80  
 Trevett Rd. Water, abstract 7, NONE  
 Cattaraugus St. Water, abstract 7, NONE  
 Trust & Agency, abstract 7, NONE  
 Capital (HA) Craneridge Sewer, abstract 7, NONE  
 Capital (HB) Land, abstract 7, NONE  
 Capital (HD) Catt St, abstract 7, NONE  
 Capital (HE) Sr. Ctr, abstract 7, NONE  
 Capital (HF) Hwy Equip, abstract 7, NONE  
 Capital (HG) Waste Study, abstract 7, NONE

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

b) Adler Guard Rail – This matter was discussed earlier tonight during Work Session and the members agreed to table this matter to review by Town Atty Attea. Motion by Councilman Snyder, seconded by Councilman Zittel, to table this matter. Councilmen Krezmien, Zittel & Snyder, voting aye; Councilman Drozd & Supervisor Drake, excused. Carried.

c) Senior Center Bid Package – Caleb Henning, MDA Engineers, reviewed the bid packet to the Board. He noted that normally when they prepare these projects for a municipal would contain a Work Performance Bond and Payment Bond. This assures that the bonding company will come in and finish the project if the contractor does not. Some small contractors don't have the bonding capability set up. After speaking with Supervisor Drake, it was agreed to remove the bonding requirement so that those contractors can bid the job. This job is small enough that whoever comes in to do the work is likely to do it all within one payment application. If there is a problem with the contractor completing the work, the Town would not have to release any money until the work is done properly. From that aspect it would be a better benefit to eliminating the bonding requirement to allow some of the smaller paving companies to bid the job. The Performance Bond helps to ensure that the contractor will do the work and the Payment Bond ensures that they pay their subcontractors. This bid packet does still require a bid bond of 5% of the bid. The bid opening is set up for Thursday, August 5, 2021 at 10 a.m. and the contractors have to submit their bid bond which basically helps to attract bidders that are actually trying to bid the job. A non-collusion statement will also be required. The same prevailing wage rates and timeframes in the contract apply to any smaller contractor.

Mr. Henning advised that if the Board authorizes this to go out to bid, which he would recommend because of the tight timeframe, the bidding packet can be modified via an addendum to add the bonding requirements back in or change the schedule.

Mr. Henning reviewed the Paving Plan. Work Area "A" will be a heavy-duty asphalt consisting of 3" of binder and 2" of top over a sub-base course that the Town is going to place. The current material will be removed and the new material will be placed and compacted by the Town; coordinating with the contractor. Work Area "B" will have a 1" minimum for a true and level course and a 1 ½" top. Work Area "C" is the sidewalk between the entrance and the parking lot. It will not match up with the parking lot grade after the new pavement is installed. This sidewalk will be removed and new concrete will be poured. Councilman Zittel asked how the bid packet addressed the transition area where the parking lot meets the concrete. Mr. Henning advised that there is a note in the bid that places the responsibility for the transition on the contractor; they have to make sure it is a smooth transition and that they do not make the drainage situation any worse. Councilman Zittel noted that at one time there was discussion about taking out that one slab of concrete. Mr. Henning said that that MDA can add an Addendum to the bid; that would actually make the job easier.

Hwy Supt Edwards asked if the only thing the contractor will be doing is paving and Mr. Henning said yes. The contractor may also have to mill some transition areas. The striping will be done at a later date and is not included in this bid. Mr. Henning advised that MDA Engineers can be available to help if the Town wants them out in the field when the Town is doing the removal to verify grades. Basically, what is needed is for that back parking lot to be at the same finish grade as what is what there currently which means the Town will need to remove about 13" of material.

The Board had no further questions. Motion by Councilman Snyder, seconded by Councilman Zittel, authorize Town Clerk Schweikert to Advertise for Bids and to set the Bid Opening for Thursday, August 5, 2021 at 10 a.m. Councilmen Krezmien, Zittel & Snyder, voting aye; Councilman Drozd & Supervisor Drake, excused. Carried.

Mr. Henning provided a full bid packet to Town Clerk Schweikert for her office. Mr. Henning will provide Town Clerk Schweikert with the addendum.

Deputy Supervisor Krezmien asked for a motion to add (d) Springville Center for the Arts Geothermal Drilling Project. Motion by Councilman Snyder, seconded by Councilman Zittel, to add (d) to the Agenda. Councilmen Krezmien, Zittel & Snyder, voting aye; Councilman Drozd & Supervisor Drake, excused. Carried.

d) Springville Center for the Arts Geothermal Drilling Project – Seth Wochensky, Executive Director of the Springville Center for the Arts, emailed Supervisor Drake on July 3<sup>rd</sup> advising the Town that Buffalo Geothermal will be drilling 4 wells on the Art Center property at 37 North Buffalo Street; two of these wells will be drilled in the parking lot and to facilitate the trucks coming in and out and for safety issues, Mr. Wochensky requested closure of the entire parking lot on that day. Councilman Zittel explained the process and had two questions: (1) where is the water going to go? The drain in our parking lot is really inefficient; it goes into the drain at M&T Bank and the Town cannot give the Art Center permission to go into that line and the Village, as of tonight, has not agreed to let the water go into their storm sewer. The proposed start date is Tuesday, July 13<sup>th</sup>. (2) There are plans A, B, C, and D. One is that if it doesn't work to get rid of the water in the drains, they will bring trucks in across our part of the parking lot. He believes that the Town should be covered if there is any damage it is taken care of. This was agreed to verbally but he'd like a written agreement. Councilman Zittel feels that the July 13<sup>th</sup> date is out unless Town Atty Attea can get this worked out before that time. Town Atty Attea recommends that if they are requesting access to any part of the Town's parking lot, that the Town need from that company whatever agreement they might want to provide that will indemnify and hold the Town harmless from any liability that may arise as a result of their use of the Town's property and any damages that may arise. In most instances when companies need access to some other property to complete work, it is a fairly standard agreement; he would be surprised if they do not have one at the ready to provide for review. If the company does not, he would be happy to draft an agreement. Some information would be needed: name of company, address, cover page of the contract. He would be happy to work with representatives of the Art Center or their legal counsel. The Town will be as cooperative as we can be. Town Atty Attea questioned whose responsibility it would be to control that area because there is access from the rear and at the street; taped off, coned off, make sure there is no pedestrian traffic. Since Town Atty Attea does not know how extensive the work will be, what kind of equipment will be used; the Town just needs to know a little bit more about their plan and then the Town will figure out how to work with them as cooperatively as possible. Town Atty Attea will contact Mr. Wochensky.

ITEM #6      EXECUTIVE SESSION

There was nothing for Executive Session.

ITEM #7      CONSENT AGENDA

There was nothing for Consent Agenda.

ITEM #8      COUNCILMAN NOTES

a) Councilman Zittel advised the Board of the following:

- Fairview Cemetery Meeting will be Thursday, July 15<sup>th</sup>
- The Springville Fire Department will have their Car Show on July 18<sup>th</sup> from 10 a.m. to 4 p.m.
- The Fiddle Fest is scheduled for Saturday, July 31<sup>st</sup>

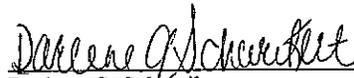
Claire Wrazin, Springville Center for the Arts, asked to address the Board. At last month's Library Board meeting, Councilman Drozd had asked for a sketch to be provided for the town's approval prior to painting. Ms. Wrazin provided the sketch of the two murals that she would like to paint at the Hulbert Library. One mural will be on the rear fence and the other on a rear door at the library. Town Atty Attea had no problem with this request. Motion by Councilman Snyder, seconded by Councilman Zittel, to approve the painting at the Hulbert Library of the two murals as proposed in the sketches.

Councilmen Krezmien, Zittel & Snyder, voting aye; Councilman Drozd & Supervisor Drake, excused. Carried

ITEM #9      MOTION TO ADJOURN

Motion by Councilman Snyder, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 7:27 p.m. in memory of:

Albert C. Heisler  
Charles H. Hoffman  
Kathleen F. Smith  
Norma J. LaCrosse  
Maurice H. Hebdon  
Edward C. Pfarnen  
Vincent Ballachino  
John A. Baldwin  
Josephine Grace Cochran



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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 June 10, 2021 to July 8, 2021.

With twenty-eight days in this period, the Highway Department accomplished the following:

- Started changing rotted wood on park buildings: pump house, bathrooms and both dug outs.
- Larry finished changing rims and tires on Truck#14 and also had new dump cylinder installed at Valley Fab.
- Did brakes on Truck#11 and painted wheels.
- Took Larry to Eden Highway to pick up Vac All.
- Made a new battery box for our Vac All sweeper truck.
- Changed oil in Truck#13 and Truck#14.
- Mowing has continued on all Town Roads and Tractor JX90U had oil changed and new blades installed.
- Help Sardinia install millings on shoulders of Pratham Road.
- Took a 550 load of steel to Preivity's Auto Wrecking, Inc.
- Clyde and I met with Pavilion Drainage Supply Co. and discussed opening guiderail on Hoffman Road.
- Clyde and I met at Town Hall with Comp Alliance and discussed Workers Comp. Insurance.
- Met with Craneridge Woodland Committee over future work in cul-de-sac.
- Continue to prepare North Street, North Central, Chaise Road and White Street for oil and chip.
- Hauled 380 tons of chip stone to shop for oil and chip.
- Hauled 550 tons of 2" crusher to Senior Center.

- Met with Pavilion Drainage Supply Co. and installed new guiderail in Craneridge after a winter accident.
- Continue to cut dead trees on Town Roads.
- Continue to check on beavers on Kaiser Road.
- Continue to clean shop and drains.
- Helping Village of Springville with grinding of Village streets-Mill, Pearl, Spring and Elm Streets.

Respectfully Submitted,

Barry A. Edwards  
Highway Superintendent