

TOWN OF CONCORD TOWN BOARD MEETING March 11, 2021  
7:00 p.m.

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

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

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

MAX BORSUK, Springville Journal KELLY CAMPBELL

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1 APPROVAL OF MINUTES

a) Town Board Meeting – 2/11/2021 – Motion by Councilman Zittel, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #2 PUBLIC COMMENT

Supervisor Drake opened the floor for Public Comment.

DCO Robinson wanted to thank the Town for getting the pop-up clinic organized for the COVID vaccine today. A lot of people benefited. Supervisor Drake advised that it was organized with the Board of Health. The Town did not have much advance notice because the Senior Center staff worked tirelessly and the employees at Town Hall helped with scheduling to get everything together. The clinic did 400 shots today.

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

ITEM #3 MONTHLY REPORTS

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

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

f) Highway Report – Hwy Supt Edwards read his filed report. His report is included in the Minute Book.

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

ITEM #4      OLD BUSINESS

There was nothing for Old Business.

ITEM #5      NEW BUSINESS

Supervisor Drake asked for a motion to add (f) Special Town Board Meeting re: Public Employee Emergency Plan; this meeting needs to take place the last week in March. Supervisor Drake set the meeting for Tuesday, March 30<sup>th</sup> at 9 a.m. A copy of the Plan will be available to the Board prior to the meeting. Motion by Councilman Drozd, seconded by Councilman Zittel, to add (f) Special Town Board Meeting at 9 a.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

a) 2020 Budget Journal Entries - Supervisor Drake notified the Board that these budget entries had originally been set for the April meeting but the auditors were confident that these would be done for this meeting but the Auditors told him earlier this week that they are not ready. Supervisor Drake asked for a motion to table the 2020 Budget Journal Entries for the April meeting. Motion by Councilman Snyder, seconded by Councilman Drozd, to table the 2020 Budget Journal Entries for the April meeting. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) Audit of the Bills – Supervisor Drake stated that these bills were audited by Councilman Zittel, and reviewed by the Board. Abstract 15 are from 2020 and Abstract 3 are March 2021.

Year 2020 Abstract 15:

General Fund A, abstract 15, bills 133-1337; \$3,655.48

General Fund B, abstract 15, NONE

Library Fund, abstract 15, NONE

Fire Protection, abstract 15, NONE

Joint Van, abstract 15, NONE

Joint Youth, abstract 15, NONE

Craneridge Lighting, abstract 15, NONE

Craneridge Sewer, abstract 15, bill 1338; \$4,400.00

Highway DA, abstract 15, NONE

Highway DB, abstract 15, NONE

Kissing Bridge Water, abstract 15, NONE

Kissing Bridge Sewer, abstract 15, bill 1339; \$2,600.00

Trevett Rd. Water, abstract 15, NONE

Cattaraugus St. Water, abstract 15, NONE

Trust & Agency, abstract 15, NONE

Capital (HA) C. Sewer, abstract 15, NONE

Capital (HB) Land, abstract 15, NONE

Capital (HD) Catt St, abstract 15, NONE

Capital (HE) Sr. Ctr, abstract 15, NONE

Capital (HF) Hwy Equip, abstract 15, NONE

Capital (HG) Waste Study, abstract 15, NONE

Year 2021 Abstract 3:

General Fund A, abstract 3, bills 129-186; \$98,249.03

General Fund B, abstract 3, bills 187-191; \$2,485.71

Library Fund, abstract 3, bills 192-194; \$630.43

Fire Protection, abstract 3, NONE

Joint Van, abstract 3, bills 195-197; \$366.91

Joint Youth, abstract 3, NONE

Craneridge Lighting, abstract 3, NONE  
 Craneridge Sewer, abstract 3, bills 198-204; \$32,490.06  
 Highway DA, abstract 3, NONE  
 Highway DB, abstract 3, bills 205-228; \$39,720.04  
 Kissing Bridge Water, abstract 3, bills 229-232; \$307.98  
 Kissing Bridge Sewer, abstract 3, bills 233-235; \$1,346.00  
 Trevett Rd. Water, abstract 3, bill 236; \$2,290.80  
 Cattaraugus St. Water, abstract 3, bill 237; \$2,689.56  
 Trust & Agency, abstract 3, NONE  
 Capital (HA) C. Sewer, abstract 3, NONE  
 Capital (HB) Land, abstract 3, NONE  
 Capital (HD) Catt St, abstract 3, NONE  
 Capital (HE) Sr. Ctr, abstract 3, NONE  
 Capital (HF) Hwy Equip, abstract 3, NONE  
 Capital (HG) Waste Study, abstract 3, NONE

Motion by Councilman Zittel, seconded by Councilman Krezmien, to approve the bills as presented. Councilmen Zittel & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake commented that one of the reasons there is still an Abstract from 2020 is that the Town just received a bill from the Court.

c) Gernatt Gravel Permit – Supervisor Drake noted that approval of the Gravel Permit renewals were done at the February meeting but the Planning Board had not referred the Gernatt Gravel Permits at that time because there was a question whether there was a permit missing. Town Clerk Schweikert checked with the NYS DEC and the DEC noted that their records combined two pits into one so the permits received by the Town are accurate. Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the Gernatt Gravel Permit renewals:

Vaughn/Gentner  
 Middle/Dewald  
 Zylinski Clay Mine  
 Waterman  
 Wendel

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

d) SGI Baseball – Supervisor Drake received a letter from SGI. SGI is asking to use Community Park for the Spring '21 season. The Spring season will not begin until May 3, 2021 and run through June 2021. There is no game schedule available yet. There may be some night games on the schedule. Supervisor Drake advised that he will have to speak to SGI because last year there were no games and those lights have not been turned on, this would be three years. It needs to be determined what risks SGI wants to take because the problem is that there is a demand charge is about \$400-\$450 to flip the power switch. If the school wants the Town to test it, the school would need to cut back on their night games. Supervisor Drake noted that he does not have any problem with the school using the field but the Town will need to make sure about the light situation. Councilman Krezmien thought that there was an agreement with the school that the school paid for demand fee. Supervisor Drake will look into the demand fee. Motion by Councilman Krezmien, seconded by Councilman Snyder, to allow SGI to use the Community Park field under the same terms as in previous years paying for lights. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

e) Authorize Town Clerk to advertise for Gravel – Supervisor Drake noted that there has been discussion with Hwy Supt. Edwards and Councilman Drozd. Hwy Supt. Edwards advised that most of the people that the Town deals with have County bid. He does not see sending out for bid to other companies when the Town buys off County bid; there is no need to advertise. Councilman Krezmien asked if it is necessary to make a motion to authorize Hwy Supt. Edwards to buy off County bid; the Board did not believe that was necessary so this item was scratched from the agenda.

f) Special Town Board Meeting re: Public Employee Emergency Plan. Motion by Councilman Drozd, seconded by Councilman Zittel, to set the Special Town Board Meeting for Tuesday, March 30, 2021 at 9 a.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #6      EXECUTIVE SESSION

Supervisor Drake advised that there would be an Executive Session tonight on an employee issue. Town Attorney Attea added potential litigation.

Hwy Supt Edwards asked Supervisor Drake if he could discuss the highway equipment proposal with the Board in Executive Session or should it be discussed now. Supervisor Drake asked Hwy Supt Edwards to discuss it now.

Hwy Supt Edwards is trying to get the Town Highway Department on some kind of a replacement program for equipment and trucks. He reached out to Mecca Kendall for a new high lift. A copy of their quote was provided to the Board. Back in 2015, the high lift was \$154,000 and is five years old. This quote is for a high lift with the addition of forks and a broom. The trade in of the 2015 high lift would be \$116,000. There is a Sourcewell Discount of 40% on this quote. The net selling price would be \$85,623.20 with five annual payments of \$19,175.36 with no payment until March of 2022. If the Town were to rent a high lift, it would be amount \$2,500-\$3,000 per month; this would be \$1,600 per month. Councilman Snyder noted that the Town needed a replacement plan in effect. Councilman Drozd advised that this high lift is in good shape; not great shape. Councilman Zittel asked how many hours are put on the machine every year; Hwy Supt Edwards said in five years it has 1,800. Councilman Snyder believes that the Town needs to have a program before we buy something; there should be a schedule that the Town follows. Hwy Supt Edwards believes the equipment needs to be replaced and invited Councilman Snyder to the department to look at the equipment. Councilman Drozd noted that a high lift is needed in the department and Councilman Krezmien added that there are spare trucks but not a spare high light. Councilman Drozd advised that the high lift is now out of warranty. Councilman Snyder said the Town doesn't need a high lift but purchasing a new one without a schedule is what he doesn't agree with. Hwy Supt Edwards advised that there is money in equipment reserve but we don't need to use that now since no payments would be due until March 2022. Councilman Snyder asked if this price contingent on the financing? Hwy Supt Edwards noted it would be the same price if it were purchased outright. This quote is for a high lift which is the same size as the current one. Hwy Supt Edwards noted that there is \$50,000 in equipment reserve in the budget but it would need to be used. Supervisor Drake advised that it may be in the budget because the audit is ongoing and we need to see what the revenues are; the logical thing would be to find out what is there and then decide. This quote is lower than State or County bid.

Hwy Supt Edwards advised that there are nine vehicles at the department now and asked the Board how they will take care of nine vehicles that are all over their thresholds and should be replaced. You can't have nine vehicles and replace one and five years later replace another one when these eight other vehicles are that much older. Supervisor Drake noted that he doesn't want to spend money without knowing how much is in our pocket. Hwy Supt Edwards noted that there was \$37,000 in the fund and \$16,000 was used leaving \$21,000 in the fund; and \$25,000 was added this year. Supervisor Drake asked what the expiration date of the offer; it's March 17, 2021. That expiration date does not give the Town too much time to review the quote. It would take 60 days to get the machine in once it was ordered. Councilman Drozd said that the selling point for him is that nothing is coming out of this year's budget. Hwy Supt Edwards was hoping that some of the COVID money could be spent on equipment; Supervisor Drake has not seen the details yet on those funds. It may be for reimbursement of COVID out of pocket costs. Councilman Drozd doesn't see how this offer could be turned down and Councilman Krezmien doesn't have a problem with it. This offer has an extended warranty and the high lift has a bucket just like the current one. Motion by Councilman Krezmien, seconded by Councilman Zittel, to table this matter until after Executive Session.

Motion by Councilman Krezmien, seconded by Councilman Drozd, to go into Executive Session at 7:41 p.m. for the purpose of personnel and potential litigation. Supervisor Drake advised that he did not believe action would be taken. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Motion by Councilman Drozd, seconded by Councilman Krezmien, to come out of Executive Session at 8:47 p.m. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

Supervisor Drake asked the Board if they wanted to continue any action that was tabled. Hwy Supt Edwards noted that the Board did not have to vote on this tonight and asked the Board to think about it because it is a good deal. Councilman Krezmien asked Hwy Supt Edwards if he could ask that the expiration date be extended to March 31<sup>st</sup> and then it could be added to the agenda of the Special Town Board meeting. Supervisor Drake noted that the auditors should be wrapped up by that time and the fund balances would be available. Councilman Snyder asked why the Town would not get additional quotes. Councilman Drozd said there are no other programs like this Sourcewell Program which is a government program. Councilman Drozd doesn't think that the Board is ready to proceed on this matter at this time. Hwy Supt Edwards advised that if the Town has nine pieces of equipment, you have to put more than \$25,000/year in reserves. In 12 years, there is only \$300,000 to buy one truck and there are eight other pieces of equipment. Councilman Snyder is concerned that the Town would proceed with a single quote on a major piece of equipment and the Town should not buy without a replacement plan. Councilman Drozd will see if he can find the old replacement plan from his days at Erie County. Councilman Krezmien advised that after former Supervisor Steffan left our budget reserves were in bad shape and the Town needed to bond money to get equipment. Councilman Drozd advised that if the Town were to bid on this high lift, the discount from Sourcewell would not be available. This would be a replacement, machine for machine, not going up and not going down; it would be the same machine.

Supervisor Drake will add this to the agenda for the Special Town Board meeting.

ITEM #7      CONSENT AGENDA

There was nothing for Consent Agenda.

ITEM #8      COUNCILMAN NOTES

1. Councilman Snyder advised that SYI is posting their baseball sign-ups; soccer is working with the school to follow COVID guidelines. Supervisor Drake informed the Board that SYI contacted him to say they will not be using the snack shack this year. The grant received from the state goes through March 2023 so that is something that the Board needs to work on.

2. Councilman Drozd had attended the Library Board meeting this Morning and reported: (1) The warranty information for the new boiler was delivered by Tom Randall and it will be stored at the library in their maintenance file so that if anything goes wrong, the warranty is on file. Supervisor Drake also has a copy of the warranty in his office. (2) The Library Board continues to look at security systems for the library. A quote has been received from Amherst Alarm but the quote from Johnson Controls has not yet been received. They are looking for four cameras on the outside and going to central control for the sheriff and the library contact. Supervisor Drake asked who would be paying for the system and Councilman Drozd advised that the Library would be responsible. (3) Last year the Town Board approved the library putting in a seedling bed. This project was not done last year because of COVID and the Library Board intends to do that project this year.

March 11, 2021

3. Supervisor Drake noted that there was a pop-up COVID vaccination clinic at the Senior Center today. It was arranged through the Board of Health. The Senior Center staff worked extra hours to get this put together so quickly. 400 shots were given today so he is considering it a success! When it was first announced, it was for 65+ but then Governor Cuomo changed the age to 60+ so it was a busy day.

ITEM #9      MOTION TO ADJOURN

Motion by Supervisor Drake, seconded by Councilman Drozd, and passed unanimously, to adjourn the meeting at 9:03 p.m. in memory of:

Joseph P. Kulpa  
Earlon Jonas Biscup  
Carl J. Sturzenbecker  
Norman Freeland  
Susan E. Enser-King  
John Henry Debo  
Patricia L. Cobo  
Robert Joseph Emerling



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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)  
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 February 11, 2021 to March 11, 2021

The guys have continued to sand and plow snow.

The guys are still continuing to clean the shop room and their lunch room.

We had 4 o-rings and lock-rings put on 624 Highlift.

Oil changes were done on Truck 15, Truck 16, and Truck 19 and all trucks have been greased.

The fuel tank was fixed in Truck 13.

Brake job was finished on Truck 19.

Fixed exhaust on Truck 14.

A crew has been out putting QPR in potholes.

The guys will start Spring maintenance on all equipment next week as long as the Springtime weather continues.

As Highway Superintendent, I performed daily patrolling of roads to evaluate conditions and do all the office work.

Barry Edwards  
Highway Superintendent

