

TOWN OF CONCORD TOWN BOARD MEETING August 11 2022
7:00 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR,
at 7:01 p.m.

INVOCATION DELIVERED BY DEPUTY TOWN CLERK BACON

PLEDGE TO THE FLAG LED BY DEPUTY SUPERVISOR DRAKE

ROLL CALL: PHILIP DROZD, SUPERVISOR
CLYDE M. DRAKE, COUNCIL MEMBER
KENNETH D. ZITTEL, COUNCIL MEMBER
WILLIAM F. SNYDER, III, COUNCIL MEMBER
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

ALSO PRESENT: STEPHANIE A. BACON, DEPUTY TOWN CLERK
BARRY A. EDWARDS, Hwy Supt.
BRIAN F. ATLAS, Town Attorney
CAROLYN ROBINSON, Dog Control Officer
ELEANOR ESCHBORN, Senior Center Director
DARLENE SCHWEIKERT, Town Clerk

ASHLEY LOWRY, Springville Journal
SUE FISCHBECK, Library Board President
SUE PUTNEY, Library Board Treasurer
JENNIFER MORRIS, Library Director
SETH WOCHENSKI
GEORGE DONHAUSER

ITEM #1 APPROVAL OF MINUTES

a) Work Session – 07/14/2022 – Motion by Council
Member Krzemien, seconded by Council Member Snyder, to approve the minutes as
presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd,
voting aye. Carried.

b) Town Board Meeting – 07/14/2022 – Motion by Council Member
Snyder, seconded by Council Member Zittel, to approve the minutes as presented.
Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye.
Carried.

c) Bid Open - Van – 07/28/2022 - Motion by Council Member
Zittel, seconded by Council Member Krzemien, to approve the minutes as presented.
Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye.
Carried.

d) Special Town Board Meeting – 07/28/2022- Motion by Council
Member Snyder, seconded by Council Member Zittel, to approve the minutes as
presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd,
voting aye. Carried.

ITEM #2 PUBLIC COMMENT

Supervisor Drozd opened the floor for Public Comment.

Jennifer Bognar from J. Bognar Construction wished to thank the Town of
Concord for being so great to work with on the Highway drainage project. She said that
she appreciated everyone involved and thanked the Board for approving payment.

No one else wished to address the Board. Motion by Council Member

Zittel, seconded by Council Member Snyder, to close Public Comment. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #3 MONTHLY REPORTS

Motion by Council Member Drake, seconded by Council Member Zittel, to approve the Monthly Reports, Items a-f. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

- a) Code Enforcement Report – July 2022
- b) Dog Control Officer Report – July 2022
- c) Town Clerk Report – July 2022
- d) Van Report – July 2022
- e) Judge Gibbin – June 2022
- f) Judge Frank – June 2022

- g) Senior Director Report – July 2022

Senior Center Director, Eleanor Eschborn spoke to the Board about a meeting she had with the Erie County Executive's Office and the Department of Senior Services. The County Executive is requesting that towns in Erie County share services at their senior centers in order to provide a cost savings to the tax payers. Each county that participates and its participating local governmental entities would be eligible to receive State Matching Funds for net savings achieved. Town Supervisors must be on the Panel that is being created. The focus of the program is on providing social services to a broader number of citizens. The larger towns in Erie County have a unionized senior center workforce and are unable to share services. This leaves the smaller towns with the burden of paying for these social services. Director Eschborn suggested that in the next budget, the Town should set aside money for a social worker at the Senior Center. The Board agreed that there is a need for a social worker or a representative from social services at the Concord Senior Center. Supervisor Drozd suggested that Senior Director Eschborn keep up with the developments on this plan.

Motion by Council Member Drake, seconded by Council Member Zittel, to approve the Senior Director Monthly Report, Item g. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

h) Highway Report – Hwy Supt Edwards filed his report. His report is included in the Minute Book. Hwy Supt Edwards updated the Board regarding the Morton Road culvert project. The signage has gone up as the work will begin on August 15th. The oil and chipping of roads was completed today.

Motion by Council Member Zittel, seconded by Council Member Krzemien, to accept the Highway Report. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #4 OLD BUSINESS

- a) Hulbert Parking Lot Paving Project Update – Supervisor Drozd

- (1) Budget Transfer -

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

WHEREAS, that the Town of Concord advertised for sealed bids for the Hulbert Library Parking Lot Paving Project; and

WHEREAS, eight sealed bids were received and opened on June 3, 2022 at 10 a.m.; and

WHEREAS, D&H Excavating, Inc., was the low bidder with a bid in the amount of \$70,650.00 with Alt #1 \$9,800.00 and Alt #2 \$9,200.00; and

WHEREAS, on June 9, 2022, the Town Board awarded the bid to D&H Excavating, Inc., base bid amount of \$70,650.00 and Alt #2 \$9,200.00 for a total bid price of \$79,850.00 and Resolution 17 was adopted transferring \$79,850.00 from Capital Reserve Building Fund A9900.9 to Special Reserve Building Fund A232; and

WHEREAS, Kerlin Stump Grinding was contracted to remove a large tree stump from the Hulbert Library lands to premises to allow for this paving project to continue; the cost of the stump removing is \$250.00; and

WHEREAS, the total cost of the Hulbert Library Parking Lot Paving Project is \$79,850.00 to D&H Excavating, Inc., and \$250.00 to Kerlin Stump Grinding for a total of \$80,100.00;

NOW, THEREFORE, BE IT RESOLVED, that the following budget transfers be authorized:

\$250.00 from Special Reserve Building Fund A232
to A1620.44 Library Maintenance

\$80,100.00 from A232 to A1620.44 Library Maintenance

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

b) WIC (Women Infant Children) Program Update – Supervisor Drozd reported that WIC will no longer be at the Town Hall. He had been working with WIC representatives and Pastor Keith Clark to relocate the program to the Joylan Theatre/old Joe's Barbershop location. Previously the relocation was approved by Catholic Charities and it has now received New York State approval. WIC will begin using the theatre in Spring 2023.

c) Buffalo Road Traffic Study - Erie County Public Works has completed the traffic study related to the Town's request for intersection improvements at the intersection of Buffalo Road (CR 413), N Buffalo Street (Village), Sharp Street (CR 412, TH) at the border of the Town of Concord and Village of Springville. The warrants for all-way stop control and available sight distances have been evaluated. The traffic engineering investigation was completed. It was determined that while the location did not meet the Manual of Uniform Traffic Control Devices criteria for a multi-way stop based on traffic volume and accident history, the limited sight distance available at the existing stop sign restricts a driver's ability to see conflicting traffic, making it difficult for them to negotiate the intersection unless the conflicting traffic on Buffalo Road and North Buffalo Street is required to stop. Therefore, a multi-way stop will be installed at this location by the Erie County DPW-Highway Division.

d) Craneridge Sewer Pump Installation Update - Supervisor Drozd advised that MDA Consulting Engineers are working on this project. The pump has been installed and wired up. The parts are ordered for the discharge portion. When the parts come in, Tom Chapman (electrician) will come to finish the installation.

e) Kissing Bridge Water Inspection – Deficiencies Report - The Town

received from the Erie County Health Department. Two deficiencies were reported: (1) the ground at the well casings does not slope away from the wells. After re-grading the well casings must extend 18 inches above grade. (2) The raw water taps from each of the two wells shall have operating faucets. Supervisor Drozd will be contacting Ehmke Well Drillers to extend the well casing and the Highway Department will do the grading. The faucet work will be done in-house by Tim Domes.

f) Community Park Pavilion Update – Supervisor Drozd advised that Schenne & Associates have submitted the septic system design to Erie County for their approval.

g) Highway Truck Grant Update – Supervisor Drozd has been working on this grant application and received a letter from the USDA with further required documents:

(1) Loan Resolution – See Loan Resolution Attached to Minutes.

Council Member Zittel moved the adoption of Resolution 26, attached hereto, seconded by Council Member Krzemien.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

(2) Loan Resolution Security Agreement – See Agreement Attached to the Minutes.

Council Member Zittel moved the adoption of Resolution 27, attached hereto, seconded by Council Member Snyder.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

(3) Other Documents – USDA has other documents that will require Supervisor Drozd signature and would like a motion to authorize him to sign the necessary documents to move forward with this grant application. Motion by Council Member Krzemien, seconded by Council Member Zittel, to authorize Supervisor Drozd to sign the necessary documents as required by the USDA to move forward with this grant application. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

h) Craneridge & Kissing Bridge Wastewater Treatment Plant – Supervisor Drozd advised that at the Special Town Board Meeting on July 28, 2022, the Public Hearing for the Bond Resolution was set for Thursday, August 18, 2022 at 6:30

p.m. with a Special Town Board meeting to conclude the SEQR process/declare negative declaration and adopt the Bond Resolution will immediately follow the Public Hearing.

ITEM #5 NEW BUSINESS

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

Year 2022 Abstract 8:
 General Fund A, Abstract 8 bills 873-941 & 987; 169,169.49
 General Fund B, Abstract 8, bills 942-945; \$200.99
 Library Fund, Abstract 8, bills 946-948; \$525.11
 Fire Protection, Abstract 8, bill 949; \$4,778.63
 Joint Van, Abstract 8, bills 950-955; \$44,140.13
 Joint Youth, Abstract 8, NONE
 Craneridge Lighting, Abstract 8, bill 956; \$2,433.35
 Craneridge Sewer, Abstract 8, bills 957-968; \$3,902.30
 Highway DA, Abstract 8, bill 969; \$885.12
 Highway DB, Abstract 8, bills 970-981; \$79,347.96
 Kissing Bridge Water, Abstract 8, 982-985; \$933.31
 Kissing Bridge Sewer, Abstract 8, bill 986; \$500.00
 Trevett Rd. Water, Abstract 8, NONE
 Cattaraugus St. Water, Abstract 8, NONE
 Trust & Agency, Abstract 8, NONE
 Capital (HA) C. Sewer, Abstract 8, NONE
 Capital (HB) Land, Abstract 8, NONE
 Capital (HD) Catt St, Abstract 8, NONE
 Capital (HE) Sr. Ctr, Abstract 8, NONE
 Capital (HF) Hwy Equip, Abstract 8, NONE
 Capital (HG) Waste Study, Abstract 8, NONE

Motion by Council Member Zittel, seconded by Council Member Snyder, to approve the bills as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

b) Appoint Christine Lewis, PT Rec Aide/Senior Center – Motion by Council Member Krzemien, seconded by Council Member Zittel, to appoint Christine Lewis, PT Rec Aide/Senior Center at the rate of \$15/hour, effective August 15, 2022. Ms. Lewis will have a six-month probationary period. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

c) Senior Transportation Van – Supervisor Drozd advised that the new Van has been purchased and is now being used.

(1) Declare 2017 Ford Van Surplus - The Senior Van will go to surplus to Auctions International noting that the vehicle does have mechanical problems. Motion by Council Member Drake, seconded by Council Member Zittel, to declare the 2017 Ford Van as surplus. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

(2) Budget Transfer Resolution –

Council Member Zittel moved the adoption of Resolution 28, seconded by Council Member Krzemien:

WHEREAS, the Town of Concord purchased a 2022 Chrysler Pacifica from Emerling Chrysler Dodge Jeep Ram; and

WHEREAS, the Town of Concord requested additional equipment and lettering be added to the vehicle: running boards \$1,368.95, rear mud flaps \$124.24, floor mats \$304.85 and lettering \$150.00 for a total cost of \$1,948.04.

NOW, THEREFORE, BE IT RESOLVED, that the following budget transfer be authorized:

\$1,948.04 from JV915 Assigned Unappropriated Fund Balance to JV6772.2 Equipment

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

Supervisor Drozd mentioned that the Town Board should consider setting aside money at budget time to look toward the future when this new van will need to be replaced.

d) Erie Cattaraugus Rail Trail Signage Resolution -- The Board met with Paul Cramer from the ECRT on July 13, 2022. At that time the Town Board discussed signage on the trail. ECRT provided the Town with a map/illustration of the streets the railroad intersections and examples of the signs. Council Member Snyder questioned why the Board would support signs for a trail that the Town Board does not support at this time. Supervisor Drozd stated that whether or not the Town Board supports the trail, it is a question of citizen safety. Council Member Snyder agreed that it was about public safety and not about supporting the development of the trail.

Council Member Krzemien moved the adoption of Resolution 29, seconded by Council Member Zittel:

RESOLUTION

WHEREAS, the Town Board of the Town of Concord is requesting the placement of road crossing/safety signage along the Erie-Cattaraugus Rail Trail in the Town of Concord; and

WHEREAS, it has been determined that it is in the best interest of the public to install road crossing/safety signage along the Erie-Cattaraugus Rail Trail due to dangers and threats to residents, pedestrians and bikers along the Trail; and

WHEREAS, Erie-Cattaraugus Rail Trail provided the attached map/illustration of the roads/streets where the railroad intersects the roads within the Town of Concord: North Street, Sharp Street, Middle Road, Genesee Road and Sibley Road; and

WHEREAS, Erie-Cattaraugus Rail Trail will coordinate with the Erie County Highway Department for the installation of the road crossing/safety signage; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord does hereby approve the placement of crossing/safety signs as delineated on the attached maps and request the Erie County Highway Department to install appropriate road crossing/safety signage along the Erie-Cattaraugus Rail Trail in the Town of Concord.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

e) Fire Contract Negotiations - Town Attorney Attea has prepared draft copies of Fire Contracts for the period January 1, 2023 through December 31, 2025. Copies have been provided to the Town Board members. Supervisor Drozd will contact the Fire Chiefs to start the negotiation process.

f) DMV Satellite – Supervisor Drozd has been in contact with Erie County Clerk Kearns regarding re-opening of the DMV Satellite. Erie County would like to have the DMV Satellite at the Senior Center because it is one-floor and has more parking. Motion by Council Member Zittel, seconded by Council Member Krzemien, to allow the DMV Satellite to use the Concord Senior Center location. Council Members Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Council Member Drake voting no. Carried.

g) Town Hall Flooring (3rd Floor) – Supervisor Drozd would like to continue the Flooring Upgrade Project at Town Hall with the flooring for the 3rd floor: Supervisor's Office \$4,035.00, Assessor's Office \$3,660.00, Conference Room \$2,855.00; hallway \$1,880.00 and stairway \$2,412.00 for a total of \$14,842.00. This would be using the same material/same color. This cost would be paid from the ARPA funds. Motion by Council Member Drake, seconded by Council Member Zittel, to continue the flooring upgrade project at the Town Hall as detailed above in the amount of \$14,842.00. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

h) Court Office Request– Judge Frank submitted a request for proximity readers to be installed going into the new Court Storage area from the hallway across from the Court Office and entering the new Court Storage area from the bench. Amherst Alarm suggested rather than adding another security camera to the new Court Storage area room by the Bench door, it would be more advisable to move the camera currently located in the Auditorium floor to this new location. The Court believes that with these updates, Court personnel will be more properly equipped to handle any security breaches. Council Member Drake asked why the money couldn't come from JCAP (Justice Court Assistance Program). The program is over for this year. Council Member Snyder agreed that since that money is available to the Court, the money should come from JCAP. It was questioned why a camera would get moved from the Auditorium instead of adding an extra camera near this new storage area. Supervisor Drozd said that he will get a quote for adding an additional camera instead of moving one.

(1) Storage Room Fob Access– Amherst Alarm, Inc., quoted \$3,909.00 for the project. Request that the Court apply for Justice Court Assistance Program in 2023 to cover these costs.

(2) Camera Relocation – Amherst Alarm, Inc., quoted \$490.00 for this project. Supervisor Drozd will request a quote for an additional camera. Request that the Court apply for Justice Court Assistance Program in 2023 to cover these costs.

i) Reaffirm Highway Department Hire – Hwy Supt Edwards has asked the Board to reaffirm his appointment of William Goss to the position of MEO at the Highway Department at the rate of pay of \$24.28/hour, effective August 15, 2022. Motion by Council Member Snyder, seconded by Council Member Zittel, to reaffirm Hwy Supt Edwards' appointment of William Goss to the position of MEO at the

Highway Department at the rate of pay of \$24.28/hour, effecting August 15, 2022. Mr. Goss will have a six-month probationary period. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

j) Highway Department Emergency Roof Repair – Supervisor Drozd advised the Board that the roof on the Highway building is leaking. Sahlen’s roofing submitted a quote in the amount of \$2,3000.00. Supervisor Drozd noted that there are funds in Special Reserve Building Fund. Supervisor Drozd asked for a Resolution to transfer the funds to cover the cost of the emergency repairs to the Highway building roof. Council Members discussed using American Rescue Plan Act funding to cover the cost, since this is a qualifying project.

Motion by Council Member Zittel, seconded by Council Member Snyder, to approve the Sahlen’s Roofing August 8, 2022 quote in the amount of \$2,300.00 for the emergency repair to the Highway building and to use American Rescue Plan Act funding for the cost. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

k) Final Payment Highway Drainage Project – Supervisor Drozd advised that the project has been completed.

(1) Resolution to Transfer Funds –

Council Member Zittel moved the adoption of Resolution 30, seconded by Council Member Snyder:

WHEREAS, on May 12, 2022, the Town of Concord awarded the Highway Garage Drainage Project to J. Bognar Construction in the amount of \$83,100.00; and

WHEREAS, on July 13, 2022, the Town Board approved the first draw to J. Bognar Construction in the amount of \$20,250.00; and

WHEREAS, J. Bognar Construction submitted their Application for Final Payment in the amount of \$62,204.00; there was a net change order of \$646.00 from the bid price because the contractor did not need to order a grate; making the total cost \$82,454.00; and

WHEREAS, as part of the Highway Garage Drainage Project, the Town of Concord was responsible for purchase of the necessary box culverts/tanks for this project; and

WHEREAS, Hwy Supt Edwards received an invoice from Kistner Concrete in the amount of \$15,849.00 for the necessary box culverts/tanks purchased for the Highway Garage Drainage project.

NOW, THEREFORE, BE IT RESOLVED, by the following budget transfer be authorized:

· \$98,303.00 from A232 Special Reserve Building Fund
to A1620.42 Building Maintenance

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

(2) J. Bognar Construction has completed the drainage work at the Highway Department and are requesting the Final Draw in the amount of \$62,204.00. MDA Consulting Engineers provided the Town with the Certificate of Substantial Completion and Contractor's Application for Payment (Final). Motion by Council Member Zittel, seconded by Council Member Snyder, to authorize Supervisor Drozd to sign the Certificate of Substantial Compliance and Contractor's Application for Payment and to approve the final payment to J. Bognar Construction in the amount of \$62,204.00. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

1) Craneridge & Kissing Bridge Wastewater Treatment Plant -- Water Infrastructure Improvement Act (WIIA) and State Revolving Funds (SRF) Grants - Agreement -

Council Member Drake moved the adoption of Resolution 31, seconded by Council Member Zittel:

**RESOLUTION WITH REFERENCE TO THE PROPOSED
TOWN OF CONCORD, ERIE COUNTY, NY
KISSING BRIDGE & CRANERIDGE WASTEWATER TREATMENT PLANT
PROJECTS**

WHEREAS, the Town of Concord engaged MDA Consulting Engineers, PLLC, to complete an engineering report for the Town's Kissing Bridge & Craneridge Wastewater Treatment Plant projects identifying the current wastewater system's shortcomings, the proposed infrastructure improvements necessary to improve performance, and the projected costs for residents of the Town: and

WHEREAS, affordability for Town residents and property owners is a significant concern in advancement of the proposed projects: and

WHEREAS, the Town is eligible for Clean Water State Revolving Loan and Grant funding and the Town desires to submit a competitive application to obtain NYSEFC State Revolving Loan funds and WIIA grant funding to assist in making the project economically viable to the Town's sewer users.

NOW, THEREFORE, be it RESOLVED as follows:

1. The Town Board authorizes Municipal Solutions, Inc. to prepare an application for Water Infrastructure Improvement Act (WIIA) grant funds and a State Revolving Loan Fund full application from the NYS Environmental Facilities Corporation (EFC) for Clean Water program funding consideration.
2. The Town Board authorizes Supervisor Philip Drozd and Darlene Schweikert in her role as Town Clerk, to execute the application and any necessary supporting documents required to apply for Water Infrastructure Improvement Act grant funds and the submission of a full application to the NYS Environmental Facilities Corporation (EFC).
3. This resolution shall take effect immediately.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

m) Appoint Hodgson Russ Bond Counsel for Craneridge & Kissing Bridge Wastewater Treatment Plant Bonding – John Alessi, Esq., Hodgson Russ submitted his Engagement Letter dated July 26, 2022; copies provided to the Board. Motion by Council Member Krzemien, seconded by Council Member Zittel, to authorize Supervisor Drozd to sign the Hodgson Russ July 26, 2022 Engagement Letter. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

n) Hulbert Library -- The Hulbert Library is in the process of applying for a NYS Construction Aid Grant.

(1) 10 Year Lease Resolution –

Council Member Krzemien moved the adoption of Resolution 32, seconded by Council Member Snyder:

RESOLUTION

HULBERT LIBRARY
TOWN OF CONCORD
LEASE AGREEMENT

WHEREAS, the Hulbert Library was built by the Town of Concord in Year 1994 on a parcel of land owned by the Town of Concord; and

WHEREAS, the Hulbert Library is located in a municipally owned building located at 18 Chapel Street, Village of Springville, Town of Concord, County of Erie and State of New York; and

WHEREAS, this parcel, which is owned by the Town of Concord, will continue to be available for continued use as the Hulbert Library, which shall remain open to the public and for public use, for at least ten (10) years from the date of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord hereby consents to the property owned by the Town of Concord and located at property commonly known as 18 Chapel Street, Springville, New York, improved by a building currently utilized as a public library and known as "Hulbert Library," to continue to be used as a public library for at least ten (10) years from the date of this Resolution.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

(2) Letter of Support – Jennifer Morris, Library Director, is requesting the Town's Support for their grant application and is asking Supervisor Drozd to sign a letter of Support that "The Town of Concord, New York, as owner of the Hulbert Library of the Town of Concord, fully supports the Hulbert Library's application to the NYS Public Library Construction Aid Program. The Town Board has committed to supply the matching funds necessary to implement the parking lot renovation and the LED lighting conversion. In addition, the library will have use of the space for at least 10 years after the completion of the construction project." Motion by Council Member Drake, seconded by Council Member Snyder, to authorize Supervisor Drozd to sign a Letter of

Support as above detailed. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

o) New York Municipal Insurance Reciprocal (NYMIR) Visit Recommendations – Supervisor Drozd met with Michelle Leroux to review the Town Buildings and has received her recommendation letter; copy provided to the Board. NYMIR had three recommendations:

(1) Prior Written Notice Update. Town Clerk Schweikert provided NYMIR with the Town's Code Chapter 125. Streets and Sidewalks, Notice of Defects. Town Clerk Schweikert worked with NYMIR and NYMIR has approved our Code Chapter 125 as written. Town Clerk Schweikert drafted a log book form for written prior notifications received by the Town and NYMIR has approved that log book; copy provided to the Board.

(2) Master Battery Disconnect Switches – Hwy Supt Edwards is working on these switches.

(3) Clerk's Panic Buttons – Amherst Alarm, Inc., provided a proposal for panic button devices and installation for all Town Hall Offices in the amount of \$3,778.00. The monthly charge for this service is \$21/month (\$252/annually) plus tax. Motion by Council Member Krzemien seconded by Council Member Zittel, to approve the Amherst Alarm, Inc., quote in the amount of \$3,778.00 for this project. This cost would be paid from the ARPA funds. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Motion by Council Member Krzemien, seconded by Council Member Drake, to authorize Supervisor Drozd to sign the Connect One Agreement for the service contract. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

p) 2023 Budget Workshop Dates – The following dates were set for the 2023 Budget Work Sessions to be held in the Conference Room at the Town Hall:

(1) August 18th at 7pm, following the Public Hearing at 6:30 pm.

q) Refund Wendel Senior Center Rental Fee – Kelsey Wendel had rented the Senior Center on July 24, 2022. Supervisor Drozd advised that the fire alarm went off the entire time and is requesting a motion to refund the rental fee to Mrs. Wendel. Council Member Krzemien attended the event and said that the alarm was very loud and disruptive. Motion by Council Member Krzemien, seconded by Council Member Snyder, to refund the Senior Center \$250.00 Rental Fee to Mrs. Wendel. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #6 EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session would be necessary to discuss personnel. Supervisor Drozd noted that action may be taken after Executive Session. Motion by Council Member Krzemien, seconded by Council Member Zittel, to go into Executive Session at 8:38 p.m. Deputy Town Clerk Bacon was invited into Executive Session. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Motion by Council Member Krzemien, seconded by Council Member Zittel, to come out of Executive Session at 9:33 pm. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried

ITEM #7 CONSENT AGENDA

There was nothing for Consent Agenda.

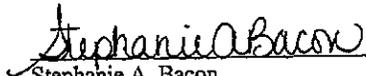
ITEM #8 COUNCIL MEMBER NOTES

- a) Council Member Krzemien stated that she attended a walk-through at the West Valley Demonstration Project site. There will be another one on September 7th at 5:30 pm if any Council Members would like to attend.
 - b) Council Member Krzemien also attended the monthly Springville Youth, Inc. meeting. Some of the SYI Board Members met with the new Village Mayor and the Village Administrator. They discussed the need for the contract between SYI, Concord and Springville being revisited. They were also interested in getting more information about the costs for the lights being turned on at the senior diamond at Community Park so that some night games could be played.
 - c) Council Member Zittel stated that the East Concord tractor pull took place and was a great success and brought in \$28,000.
 - d) Supervisor Drozd advised he is currently discussing with Erie County the costs of a shared services agreement for health insurance for the Town.
- Hwy Superintendent Edwards said that the high school assisted with making a sign in recognition of Archibald Griffith. It will be placed at the cemetery. A ceremony will be scheduled.

ITEM #9 MOTION TO ADJOURN

Motion by Council Member Snyder, seconded by Council Member Zittel, and passed unanimously, to adjourn the meeting at 9:38 p.m. in memory of:

Donald G. Slaughenhaupt
Karen F. Emerling
Marion K. Wujek
Lisa J. Ellis



Stephanie A. Bacon
Deputy Town Clerk

TOWN OF CONCORD TOWN BOARD MEETING August 18, 2022
Public Hearing
Craneridge & Kissing Bridge Wastewater Treatment Plant 6:30 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR

PRESENT: PHILIP DROZD, SUPERVISOR
CLYDE M. DRAKE, COUNCIL MEMBER
KENNETH D. ZITTEL, COUNCIL MEMBER
WILLIAM F. SNYDER, III, COUNCIL MEMBER
KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

ALSO PRESENT: STEPHANIE A. BACON, Deputy Town Clerk
CALEB HENNING, MDA Consulting Engineers PLLC

At 6:30 o'clock p.m. (prevailing time) or shortly thereafter, the Deputy Town Clerk stated that a Public Hearing had been called for this meeting at the Town Hall, in said Town, in the County of Erie, New York to consider the joint increase and improvement of facilities of Sewer District No. 1 and Sewer District No. 2 (collectively, the "Districts"), in said Town.

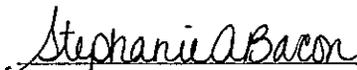
The Supervisor stated that the Public Hearing on the Joint Increase and Improvement of the facilities of Sewer District No. 1 and Sewer District No. 2 in the Town of Concord, was now open and asked if there was any interested person who desired to be heard.

The following persons appeared in favor of the Joint Increase and Improvement of the Districts: No one appeared in favor.

The following persons appeared in opposition to the Joint Increase and Improvement of the Districts: No one appeared in opposition.

The Deputy Town Clerk reported that the following pertinent written communications had been received: No written communications had been received.

The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.


Stephanie A. Bacon
Deputy 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 July 14, 2022 to August 10, 2022.

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

- The Crew replaced a few road signs and straighten a few.
- Finished hauling chip and stone.
- Continue to mow Town road shoulders and weed whack guard rails.
- Continue to mow cemeteries and Senior Center.
- Took down pine tree in Library. Had stump ground and hauled away.
- Continue to clean lunchroom, office and shop.
- Helped Village of Springville broom Newman Street for paving.
- Broom Transit Line, Middle, Kern, and Mayo Roads.
- Broom roads in Craneridge.
- Helped the County mill Genesee Road.
- Paved Mayo Road.
- Installed pipe on Middle Road hill.
- Helped Sardinia oil and chip.
- Fixed Park tractor.
- Changed oil, greased, and washed truck #14.
- Put oil and chip signs up on Kern, Middle, Transit Line and Mayo Road.
- All four drains in shop have been completed.
- New hire
- Emergency roof repair
- Morton Road box culvert will begin on August 12, by installing road detour signage and box culvert will start on August 15 and end

approximately 3 weeks later. All work will be done by Edbauer Construction.

Hopefully before you read this letter the oil and chip will have been completed, weather permitting.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Barry Edwards". The signature is written in a cursive style with a large initial "B".

Barry A. Edwards
Highway Superintendent



LOAN RESOLUTION SECURITY AGREEMENT

A RESOLUTION OF THE Town Council
OF THE Town of Concord
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS IN THE
PRINCIPAL AMOUNT OF 231,000.0 FOR THE PURPOSE
PROVIDING A PORTION OF THE COST OF ACQUIRING AND CONSTRUCTING A

Snow Plow, PROVIDING FOR THE COLLECTION, HANDLING, AND
DISPOSITION OF REVENUES THEREFROM, AND AUTHORIZING MAKINGS OF PROMISSORY NOTES,
SECURITY INSTRUMENTS, AND PLEDGES OF REVENUES TO EVIDENCE AND SECURE THE PAYMENT
OF SAID INDEBTEDNESS AND FOR RELATED PURPOSES.

WHEREAS, the Town of Concord, (hereinafter
referred to as the "Organization"), was organized under Subject to NYS Finance Law
for the purpose of providing a

(hereinafter referred to as the
"Facility") to serve the members of the said Organization; and

WHEREAS, a meeting of the members of the said Organization was held on the 11 day of August, 2022
pursuant to proper notice thereof to consider plans for the acquisition, construction, and methods of financing the Facility:

and, as shown by the minutes of said meeting, of the 5 members of record of the Organization there were present and voting
5, and by a recorded vote, the Facility and its financing were authorized; and,

WHEREAS, the proposed Facility is to be constructed and in accordance with plans and specifications
prepared by

and in order to finance the Facility, the Town Council
(hereinafter referred to as the "Board") is authorized and empowered, in their discretion, for and in the name of the Organization, to make
application to the United States of America, through the United States Department of Agriculture, (hereinafter referred to as the "Government"),
for financial assistance; to cause the execution and delivery of an installment promissory note or notes or other evidence of indebtedness
(hereinafter referred to as the "Note"), and appropriate security instruments to secure any loan or loans made or insured by the Government; to
comply with any requirements, terms or conditions prescribed by the Government or by Government regulations; and to execute contracts or
enter into agreements and, without limitation, to take any and all other action as may be necessary, incidental or appropriate to finance, acquire,
construct, complete, or equip the Facility for and on behalf of the Organization.

NOW THEREFORE, it is hereby resolved by the Board as follows:

Section 1. (Determination of Board). That it is necessary to defray a portion of the costs of financing the Facility by obtaining a loan
made or insured by the Government in accordance with applicable provisions of the Consolidated Farm and Rural Development Act, it being
determined that the Organization is unable to obtain sufficient credit elsewhere to finance the Facility, taking into consideration prevailing
private and cooperative rates and terms currently available;

Section 2. (Terms of Loan). That the Organization borrow \$ 231,000.0 and issue as evidence thereof Note in the form prescribed by the Government for the full principal amount of the loan. The note shall be signed by the President, attested by the Secretary and if necessary, have the corporate seal of the Organization affixed thereto, and shall bear interest from its date, which shall be the date of delivery, at a rate not to exceed 2.5 percent per annum;

the principal and interest shall be paid over a period of 15 years in accordance with the payment schedule set forth in the Note, until the principal and interest are fully paid except the final payment of the entire indebtedness, if not sooner paid, shall be due and payable 15 years from the date of the Note. Each payment shall be applied first to the payment of the accrued interest and second to the payment of the principal. Prepayments of any installment may be made in any amount at any time at the option of the Organization.

Section 3. (Assignment and Pledge of Revenue). The indebtedness hereby authorized to be incurred, together with the interest thereon, shall be payable from the gross income and revenue to be derived from the operation of the Facility, a sufficient portion of which, to pay the principal and interest as and when the same shall become due, is hereby assigned, and pledged and shall be set aside for that purpose and this assignment and pledge shall extend to and include any assessments that may be levied pursuant to Section 5 (d) hereof.

Section 4. (Protection and Disposition of Funds). The Town Clerk of the Organization shall be the custodian of all funds of the Organization. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.

The Town Clerk is hereby directed to establish the following accounts into which the current funds of the Organization, Note proceeds, the revenues from the Facility and any other income shall be deposited, which accounts shall be continually maintained, except as otherwise provided, so long as the indebtedness hereby authorized remains unpaid:

(a) Construction Account.

The proceeds of the Note, hereby authorized not disbursed contemporaneously with loan closing for incurred Facility costs, and at least the amount of \$ 869.00 to be contributed by the Organization from the collection of initial connection fees, membership fees or contributions shall be deposited in an account designated as the Construction Account which shall be established as required by the Government. Withdrawals from the construction account shall be made only on checks signed by the Town Clerk of the Organization as authorized by the Board from time to time, and with prior concurrence of the Government. At the option of the Government, the construction account may be established as a "supervised bank account". Amounts in the supervised bank account exceeding \$100,000 shall be secured by the depository bank in advance in accordance with 31 C.F.R. part 22. Withdrawals from a supervised bank account shall be made only on checks signed by the

Town Clerk of the Organization and countersigned by an authorized official of the Government. The Organization's share of any insurance or liquidated damages and other monies paid by defaulting contractors or their sureties will be deposited in the Construction Account to assure completion of the Facility. When all construction costs have been paid in full, any balance remaining in the Construction Account may be applied on the loan or used for other authorized purposes that have been approved by the Government and the Construction Account shall be closed.

(b) General Account.

As soon as the Facility becomes revenue producing, all funds received shall be set aside in an account to be designated as the General Account. Disbursements and transfers from this account shall be for: debt service, operations and maintenance, and transfers to an account designated as the Reserve Account. Monies deposited in the General Account shall be used only in the manner and order as follows:

(1) Organizations making monthly Government debt service payments shall use the General Account for making such payments plus operating and maintenance expenses. Any remaining funds will be transferred from this account to the Reserve Account in accordance with (d) below.

(2) Borrowers making other than monthly Government debt service payments shall first use the General Account to pay operating and maintenance expenses. Then other transfers from this account will be made in the following order: (i) To an account designated as the Debt Service Account will be made in accordance with (c) below, (ii) Transfers to the Reserve Account will be made in accordance with (d) below.

(c) Debt Service Account

Organizations making other than monthly debt service payments, shall transfer subject to income availability from the General Account to the Debt Service Account, a sum not to increase the next installment on the note.

(d) Reserve Account.

From the remaining funds in the General Account, after transfers and payments required in (b) (1) or (b) (2) and (c), there shall be set aside into the Reserve Account the sum of \$ 0.00 each month until there is accumulated in that account the sum of \$ 0.00 after which deposits may be suspended, except to replace withdrawals. When necessary, disbursements may be used for payments due on the Note if sufficient funds are not available in the General or Debt Service Account. With the prior written approval of the Government, funds may be withdrawn for:

- (1) paying the cost of repairing or replacing any damage to the Facility which may have been caused by catastrophe, or
- (2) making extensions or improvements to the Facility.

Whenever disbursements are made from the Reserve Account, monthly deposits shall then be resumed until there is again

accumulated the amount \$ 0.00, at which time deposits may be discontinued. Whenever there shall accumulate in the General Account, amounts in excess of those required in subsections (b) (1) and (2), (c), and (d), such excess will be used by the Organization to make prepayments on the loan or retained in the General Account. The accounts required in subsections (b) (1) and (2), (c) and (d) may be established and maintained as bookkeeping accounts or as separate bank accounts at the election of the Organization, unless otherwise directed by the Government.

Section 5. (Other Covenants and Agreements of the Organization). The Organization covenants and agrees that so long as the indebtedness hereby authorized remains unpaid:

- (a) It will indemnify the Government for any payments made or losses suffered by the Government.
- (b) It will comply with applicable state laws and regulations and continually operate and maintain the Facility in good condition.
- (c) It will impose and collect such rates and charges that gross revenues will be sufficient at all times to provide for the payment of the operation and maintenance thereof and the installment payments on the Note and the maintenance of the various accounts herein created. All service rendered by or use of the Facility shall be subject to the full rates prescribed in the rules and regulations of the Organization.
- (d) If, for any reason, gross revenues are insufficient, it will cause to be levied and collected such assessments as may be necessary to operate and maintain the Facility in good condition and meet installment payments on the Note as the same become due.
- (e) It will (i) establish and maintain such books and records relating to the operation of the Facility and its financial affairs, (ii) will provide for the annual audit thereof in such manner as may be required by the Government, (iii) will provide the Government without its request a copy of each such audit, and (iv) will make and forward to the Government such additional information and reports as it may from time to time require.
- (f) It will provide the Government, at all reasonable times, access to the Facility and all its books and records so that the Government may ascertain that the Organization is complying with the provisions hereof and with the provisions of other instruments incident to the making or insuring of the loan.
- (g) It will maintain at least such insurance and fidelity bond or employee dishonesty coverage as may be required by the Government.
- (h) It will not borrow any money from any source or enter into any contract or agreement or incur any other liabilities in connection with making extensions or improvements to the Facility, exclusive of normal maintenance, without obtaining the prior written consent of the Government.
- (i) It will not cause or permit any voluntary dissolution of the Organization or merge or consolidate with an other organization, without obtaining the prior written consent of the Government. It will not dispose of, or transfer title to the Facility or any part thereof, including lands and interest in lands by sale, security instrument, lease or other encumbrance, without obtaining the prior written consent of the Government. Revenue, in excess of the amount required to maintain the accounts described by Section 4 herein, will not be distributed or transferred to any other organization or legal entity.
- (j) It will not modify or amend its organizational documents, including any articles of incorporation or bylaws without the written consent of the Government.
- (k) It will provide adequate service to all persons within the service area who can feasibly and legally be served and will obtain Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Organization or public body.
- (l) All present and future contract rights, accounts receivable, and general intangibles arising in connection with the Facility are pledged as security for the loan.

(m) It will comply with the measures identified in the Government's environmental impact analysis for this Facility for the purpose of avoiding or reducing the adverse environmental impacts of the Facility's construction or operation.

Section 6. (Security Instruments). In order to secure the payment of the principal and interest of the Note, the President and Secretary of the Organization are hereby authorized and directed to execute and deliver good and sufficient lien instruments, where necessary, encumbering the properties and assets, both real and personal, constituting said Facility, as completed, or as the same may be thereafter extended, including an assignment and pledge of revenues and such other instruments as may be prescribed by the Government.

Section 7. (Refinancing). If at any time it shall appear to the Government that the Organization is able to refinance the amount of the indebtedness then outstanding, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time the Organization will, upon request of the Government, apply for, and accept, such loan in sufficient amount to repay the Government and will take all such actions as may be required in connection with such loan.

Section 8. ("Equal Employment Opportunity under Construction Contracts and Nondiscrimination"). The President and the Secretary be and they are authorized and directed to execute for and on behalf of the Organization, Form RD 400- 1, "Equal Opportunity Agreement", and Form RD 400-4, "Assurance Agreement".

Section 9. (Authorization of Officials). In the case of a grant in the sum not to exceed \$ 30,000.00, the Organization hereby accepts the grant under the terms as offered by the Government and that the Town Supervisor and Town Clerk of the Organization are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant and the Organization hereby resolves to operate the Facility under the terms as offered in said grant agreements.

Section 10. (Cross Default). Default under the provisions of this agreement or any instrument incident to the making or issuing of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Organization, and default under any such instrument may be construed by the Government to constitute default hereunder.

Section 11. (Resolution of Contract). The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instruments, shall constitute a contract between the Organization and the Government or assignee so long as the note hereby authorized remains unpaid.

Section 12. (Effective Date). This resolution shall take effect and be in force from and after the 11 day of August, 2022, being the date of its enactment.

The vote was: Yeas 5 Nays 0 Absent 0

(SEAL) (if applicable)

Attest: Darlene Schweikert
Title Darlene Schweikert, Town Clerk

Town of Concord
By Philip Drozd
Title Philip Drozd, Supervisor

CERTIFICATION

I, the undersigned, as secretary of the Town Council hereby certify that the Town Council of such Organization or Corporation is composed of 5 members of whom 5; constituting a quorum, were present at a meeting thereof duly called and held on the 11 day of August, 2022; that the foregoing resolution was adopted at such meeting by the vote shown above, and that said resolution has not been rescinded or amended in any way.

Dated, this 11 day of August, 2022.

Darlene Schweikert
Secretary of Town Council

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE Town CouncilOF THE Town of ConcordAUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITSSnow Plow

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Town of Concord
(Public Body)(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
231,000.00pursuant to the provisions of Subject to NYS Finance Law; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

- 11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
 - 12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
 - 13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
 - 14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.
- Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
- 15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
 - 16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
 - 17. To accept a grant in an amount not to exceed \$ 30,000.00

under the terms offered by the Government; that the Town Supervisor

and Town Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee

The vote was: Yeas 5 Nays 0 Absent 0

IN WITNESS WHEREOF, the Town Council of the Town of Concord has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this 11 day of August, 2022.

(SEAL)

Philip Drozd

By Philip Drozd

Title Supervisor

Attest: Darlene Schweikert

Darlene Schweikert, Town Clerk

Title