

TOWN OF CONCORD TOWN BOARD MEETING December 8, 2022  
7:00 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR,  
at 7:00 p.m.

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER SNYDER

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: DARLENE G. SCHWEIKERT, TOWN CLERK  
BARRY A. EDWARDS, Hwy Supt.  
BRIAN F. ATTEA, Town Attorney

GEORGE DONHAUSER BILL KREBS  
ASHLEY LOWRY

ITEM #1 APPROVAL OF MINUTES

a) Public Hearing – 2023 Preliminary Budget – 11/10/2022 – Motion by Council Member Drake, seconded by Council Member Krzemien, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

b) Work Session – 11/10/2022 - Motion by Council Member Zittel, seconded by Council Member Snyder, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

c) Town Board Meeting – 11/10/2022 – Motion by Council Member Snyder, 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 – Highway Department Heating – 12/1/2022 – Motion by Council Member Krzemien, 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. Bill Krebs was in attendance to ask the Town’s support for Scenic Byway Tourism Kiosk at the new Bills’ Stadium; on Agenda at Item 5(a) and will be addressed during Public Comment.

Mr. Krebs provided the history of the Scenic Byway. The Village of Springville and Town of Concord have always been supportive of the Byway since its inception in 2002. One of the first projects was the placement of about 15 pedestrian signs along the Byway; four of which are in our area. The next big project was the extension to Ellicottville. This current community benefit project is the placement of six-sided kiosks with permanent and electronic messaging. These information panels would display information about the communities and upcoming tourism events and festivals. The Byway has already communicated with a design company, contractors for the Stadium and Erie County Legislator John Mills. Mr. Krebs was in attendance asking for a Letter of Support for this project. A draft Letter of Support had been provided to the Town. Council Member Zittel noted that there is a billboard sign on his property and he was recently contacted by New York State to have the sign removed; because it was there

before 1960 it is allowed to stay. There is another situation that he knows of that the sign was there for over 20 years and the owner was told it had to be removed. Council Member Zittel has a problem with that and now kiosks could be installed. Mr. Krebs believes this project would be good for all of us because Springville is right in the middle of the Byway and would help both the Village and the Town be a tourist destination. These kiosks would be located around the outside of the new Stadium. There were further questions. Mr. Krebs thanked the Board and left the meeting at 7:20 p.m.

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

- a) Code Enforcement Report – November 2022
- b) Dog Control Officer Report – November 2022
- c) Town Clerk Report – Amended October 2022 & November 2022
- d) Van Report – November 2022
- e) Judge Gibbin – October 2022
- f) Judge Frank – October 2022
- g) Supervisor's Report – August 2022
- h) Senior Director Report – November 2022
- i) Historian Report – November 2022 (Report not filed)

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

1) Hwy Supt Edwards advised the Board that:

a) The new hire is Shawn Cramer, a transfer from the NYS DOT. Mr. Cramer is a town resident. His start date will be December 22, 2022.

b) The new truck will be delivered by the end of the month.

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

### ITEM #4      OLD BUSINESS

a) Springville Fire Contract Received; received all 4 for 2023. Supervisor Drozd informed the Board that the Springville Fire Department Contract has been signed. The Town now has all four contracts.

b) Results of Surplus Equipment – Actions International – The bid process has been completed. All the items were sold; the Town received net of \$65,162.50. Most of the items have been picked up; one truck is still at the Highway and should go later tonight and the Van is to be picked up Saturday.

c) Meeting with SYI Officers – Supervisor Drozd and Council Member Krzemien met with SYI Officers to discuss rules and regulations for the new Community Park Pavilion building. SYI will go through the sheds at Community Park this Spring to clean them out; one shed is in bad condition and is not worth insuring.

d) Village of Ellicottville Intermunicipal Agreement received – Supervisor Drozd has received the signed Intermunicipal Agreement from the Village of Ellicottville for the Craneridge and Kissing Bridge Sewer Treatment Plant.

e) Update Investment Policy – Add NY Class Investment – The Board had a meeting with NY Class last month. Their name needs to be added to the list of depositories in the Town’s Investment Policy. Motion by Council Member Krzemien, seconded by Council Member Zittel, to update the Town’s Investment Policy to include NYS Class as an authorized depository. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #5    NEW BUSINESS

a) Support for Scenic Byway Tourism Kiosk @ new Bill’s Stadium – Bill Krebs addressed the Board. This was addressed earlier this evening during Public Comment. Motion by Council Member Snyder, seconded by Council Member Krzemien, to authorize Supervisor Drozd to sign the Letter of Support. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

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

Year 2022 Abstract 12:

General Fund A, Abstract 12, bills 1439-1531; \$91,387.26

General Fund B, Abstract 12, bills 1532-1536; \$1,132.13

Library Fund, Abstract 12, bills 1537-1538; \$278.27

Fire Protection, Abstract 12, bill 1539; \$701.12

Joint Van, Abstract 12, bills 1540-1544; \$2,499.55

Joint Youth, Abstract 12, NONE

Craneridge Lighting, Abstract 12, bill 1545; \$2,494.25

Craneridge Sewer, Abstract 12, bills 1546-1553; \$4,185.48

Highway DA, Abstract 12, NONE

Highway DB, Abstract 12, bills 1554-1581; \$61,471.45

Kissing Bridge Water, Abstract 12, bills 1582-1585;

Kissing Bridge Sewer, Abstract 12, bills 1586-1587;

Trevett Rd. Water, Abstract 12, NONE

Cattaraugus St. Water, Abstract 12, NONE

Trust & Agency, Abstract 12, NONE

Capital (HA) Craneridge Sewer, Abstract 12, NONE

Capital (HB) Land, Abstract 12, NONE

Capital (HD) Catt St, Abstract 12, NONE

Capital (HE) Sr. Ctr, Abstract 12, NONE

Capital (HF) Hwy Equip, Abstract 12, NONE

Capital (HG) Waste Study, Abstract 12, NONE

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

c) WIIA Grant/NYS Environmental Facilities Reply – Supervisor Drozd was notified that the Town was not selected to receive the NYS Water Infrastructure Improvement (WIIA) grant. Our application was deemed acceptable but there was not enough funding available to reach our project. Supervisor Drozd responded that he was disappointed that the Town was not selected because of DEC violations at the current plant. Supervisor Drozd conferred with Matt Smith, Municipal Solutions, and Caleb Henning, MDA Consulting Engineers to discuss the reapplication process for the next round. The Reply Form would note that the Town of Concord would like to proceed with Clean Water State Revolving Fund (CWSRF) financing even in the absence of grant. Motion by Council Member Zittel, seconded by Council Member Krzemien, to authorize Supervisor Drozd to sign the Reply Form for next year’s grant application. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

d) Accept Resignation of William R. Ellis, Court Officer – Court Officer William R. Ellis submitted his retirement/resignation letter. His last working day with the Town will be December 12, 2022 and as of December 13, 2022, Mr. Ellis will no longer be an employee of the Town of Concord. Motion by Council Member Drake,

seconded by Council Member Snyder, to accept the resignation of William R. Ellis, with regrets, and that his last day with the Town will be December 12, 2022 and will be off the Town of Concord payroll December 13, 2022. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

e) Appoint Concord Van Driver – The Town received two applications: George Richert III and James Bialasik. Mr. Richert would be the Monday driver and Mr. Bialasik would be the relief driver. Mr. Bialasik was one of the Rural Transit Service Van drivers. Motion by Council Member Snyder, seconded by Council Member Zittel, to appoint George Richter III as the Concord Van driver and James Bialasik as the relief Concord Van driver, effective January 1, 2023, at the rate of \$15.45/hour. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

f) Reappoint Raymond Hilliker to Planning Board (1/23 to 12/29) – Motion by Council Member Drake, seconded by Council Member Krzemien, to reappoint Raymond Hilliker to the Planning Board for the term January 2023 to December 2029. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

g) Reappoint David Dains to Zoning Board of Appeals (1/23 to 12/27) Motion by Council Member Drake, seconded by Council Member Zittel, to reappoint David Dains to the Zoning Board of Appeals for the term January 2023 to December 2027. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

h) Set Final 2022 Town Board Meeting date – Supervisor Drozd removed this from the Agenda.

i) Set 2023 Organizational Meeting date January 12, 2023 at 6:30 p.m. Supervisor Drozd would like to schedule the 2023 Organizational Meeting for Thursday, January 12, 2023 at 6:30 p.m. Motion by Council Member Snyder, seconded by Council Member Drake, to set the 2023 Organizational Meeting for Thursday, January 12, 2023 at 6:30 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

j) Payroll Service 2023 Contract – Supervisor Drozd received the Kaufman Utz Accounting LLC Contract for Payroll Services for 2023 Fiscal Year. Under the terms and conditions, Kaufman Utz Accounting LLC agrees to perform the Payroll – filing Fed 941, NYS45, Direct Deposit, W2 & W3 submittal, payroll deductions, fringe benefits and NYSLRS report. The fee for these services is \$3,250 a year along with the cost of postage if any is permitted. The Town will be invoiced monthly at the amount of \$250 for these services except in March and August which would be \$375 since there are three payrolls in those months. Motion by Council Member Zittel, seconded by Council Member Drake, to approve the Kaufman Utz Accounting Payroll Service 2023 Contract.

k) Kiwanis Club – Concord Senior Center Use – This matter was discussed earlier this evening during Work Session. Supervisor Drozd advised that both Senior Director Eschborn and Senior Center staff member Christine Lewis are members of Kiwanis and would be at the meeting to open and close at no pay. Kiwanis Club members work with the Aktion Club and do a lot of good work for our community. There was discussion about the use of the building and Supervisor Drozd noted that each request should be looked at on a case-by-case basis. There are four clubs using the Center currently. Motion by Supervisor Drozd, seconded by Council Member Zittel, to approve the Kiwanis Club use of the Concord Senior Center for their meetings. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

l) Highway Department New Hire – Hwy Supt Edwards discussed this earlier this evening. Motion by Council Member Snyder, seconded by Council Member Zittel, to accept Hwy Supt Edwards' request as presented to hire his new employee, Shawn Cramer, with the start date of December 22, 2022. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

m) Burke Special Use Permit – Set Public Hearing Date- This matter was reviewed by the Planning Board at their December 6, 2022 meeting. The Burkes are applying for a Farm Winery License through New York State and would like to open a Winery and Tasting Room on their property located at 10219 Trevett Road. The Planning Board recommended that the Town Board set a Public Hearing date on the Special Use Permit Application for Tom & Michele Burke. Motion by Council Member Drake, seconded by Council Member Zittel, to set the Public Hearing date for January 12, 2023 at 6 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Town Clerk Schweikert will have the Notice published in the Springville Journal, mailed to Erie County Planning & Development and the neighboring parcel owners and posted on the signboard at the Town Hall and also on the Town's website.

n) Garden Club Request – This matter was discussed earlier tonight in Work Session. The Garden Club would like to use the side lawn of the Town Hall for the purpose of distributing their booklets for the Annual Garden Walk to be held on July 8, 2023. As in the past, the Town Hall would not be open; no rental fee would be paid. Motion by Council Member Krzemien, seconded by Council Member Drake, to approve the Springville Garden Club's request to use the side lawn at Town Hall on July 8, 2023 for their Annual Garden Walk event. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #6      EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session will be necessary to discuss a personnel issue. Motion by Council Member Drake, seconded by Council Member Zittel, to go into Executive Session at 7:50 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Motion by Council Member Snyder, seconded by Council Member Zittel to come out of Executive Session at 8:33 p.m. 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 attended a Press Event for SYI at Riverworks. SYI received a new Van from the Western New York Ford Friendship Express Program. Other recipients were ECMC, FeedMore WNY and City Mission.

ITEM #9      MOTION TO ADJOURN

Motion by Council Member Zittel, seconded by Council Member Snyder, and passed unanimously, to adjourn the meeting at 8:35 p.m. in memory of:

Susanne Klaus  
Richard C. Scinta, III  
Kevin R. Kowalczyk  
Kay A. Pukay  
Paul S. Smith  
Jean M. MacDiarmid  
Linda L. Bly  
Jerome H. Czachorowski  
James A. Jackson



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

Larry K. Heim, Highway Deputy Superintendent

Highway Superintendents Report for the period of November 10, 2022 to December 6, 2022.

With twenty-seven days in this period the Highway Department

- Cut and cleaned up a large tree on shop property.
- Put plows and wings on both 550's and checked them over for winter.
- Cleaned excavator.
- Cleaned the bucket truck, and had the annual aerial inspection performed.
- Replaced brake chamber on truck #14.
- Installed new tires and wheels on chipper and serviced.
- Picked up old water tanks for scrap from <sup>Kissing Bridge</sup> Craneridge water district.
- Repaired the salt chute on truck #14.
- Repaired the lights on bucket truck.
- Changed strobe lights on truck #11, 14, 16, & 19.
- Cleaned up tree in Craneridge that fell across the road.
- Cleaned up truck #12 & #13 for auction.
- Hauled sand from Gernatt's.
- Had salt delivered, and blended salt and sand.
- Cleaned shop floors and drain.
- Changed the cutting edge on truck #16.
- Hauled snow from the Town Hall and Library parking lots.
- Installed new plow shoes on truck #11.
- Greased and washed high lift.
- Cleaned plugged culvert on Scoby Hill Road.
- Put up safe hits in Craneridge.
- Fixed oil leak on truck #19.

- Took truck #16 & #19 to Emerlings for repairs.
- Installed plow stakes at the Senior Center.
- Continue to clean lunchroom and rest room.
- Plowed snow and sanded 10 days.
- Serviced truck #17 & 410 backhoe.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'L. Heim', written in a cursive style.

Larry K. Heim  
Highway Deputy Superintendent