

TOWN OF CONCORD TOWN BOARD MEETING June 9, 2022
7:00 p.m.

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

INVOCATION DELIVERED BY DEPUTY TOWN CLERK BACON

PLEDGE TO THE FLAG LED BY PHILIP DROZD

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. ATTEA, Town Attorney
THOMAS ROBERTS, Code Enforcement Officer

BILL WOOD COREY SVEINSSON, Drescher & Malecki
ELEANOR ESCHBORN NICHOLE RUF, Drescher & Malecki
MAX BORSUK, Springville Journal

ITEM #1 APPROVAL OF MINUTES

- a) Work Session – 05/12/2022 – Motion by Council Member Drake, seconded by Council Member Zittel, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried
- b) Town Board Meeting – 05/12/2022 – Motion by Council Member Drake, seconded by Council Member Snyder, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.
- c) Bid Opening-Hulbert Paving Project – 06/03/2022 - 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) Bid Opening -Morton Road Culvert Project – 06/03/2022- Motion by Council Member Drake, seconded by Council Member Snyder, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #2 DRESCHER & MALECKI – REVIEW TOWN AUDIT ENDING 12/31/2021

Nichole Ruf, CPA and Corey Sveinsson, CPA of Drescher & Malecki presented the Board with the Basic Financial Statements, Supplementary Information and Supplementary Information for the Year Ended December 31, 2021 and Independent Auditors' Reports. The auditors are in the final review phase and should have the final draft by next week. CPA Ruf stated that the Town of Concord has received a clean opinion for 2021, the highest opinion that can be received. She also stated that sales tax revenue was up for 2021 and expenditures were down. Council Member Snyder asked if Drescher & Malecki made recommendations pertaining to fund balance. CPA Ruf said it is not the policy of Drescher & Malecki to make recommendations as to fund balances and allocation due to the number of variables. The only time they will comment is when a balance gets too low and may cause cashflow issues.

Council Member Drake asked if CPA Ruf could send the depreciation schedule that has been used. Supervisor Drozd thanked CPAs Ruf and Sveinsson for coming to the meeting.

ITEM #3 PUBLIC COMMENT

Supervisor Drozd opened the floor for Public Comment.

No one wished to address the Board

ITEM #4 MONTHLY REPORTS

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

- a) Code Enforcement Report – May 2022
- b) Dog Control Officer Report – May 2022
- c) Town Clerk Report – May 2022
- d) Van Report – May 2022
- e) Judge Gibbin – March 2022
- f) Judge Gibbin – April 2022
- g) Judge Frank – April 2022
- h) Senior Director Report – April 2022 & May 2022
- i) Historians Report – April 2022

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

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 #5 OLD BUSINESS

a) Bensley Center - New alarm system installed 05/25/2022 & 05/26/2022 by Amherst Alarm – Supervisor Drozd advised

b) Town Hall LED light conversion mostly completed – Supervisor Drozd noted three exit lights and the emergency lights still need to be replaced to be brought up to code.

ITEM #6 NEW BUSINESS

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

Year 2022 Abstract 6:
 General Fund A, abstract 6, bills
 General Fund B, abstract 6, bills
 Library Fund, abstract 6, bills
 Fire Protection, abstract 6, bill
 Joint Van, abstract 6, bills
 Joint Youth, abstract 6, NONE
 Craneridge Lighting, abstract 6, bill
 Craneridge Sewer, abstract 6, bills
 Highway DA, abstract 6, bill
 Highway DB, abstract 6, bills

Kissing Bridge Water, abstract 6, bills
 Kissing Bridge Sewer, abstract 6, bills
 Trevett Rd. Water, abstract 6, NONE
 Cattaraugus St. Water, abstract 6, bills
 Trust & Agency, abstract 6, NONE
 Capital (HA) C. Sewer, abstract 6, NONE
 Capital (HB) Land, abstract 6, NONE
 Capital (HD) Catt St, abstract 6, NONE
 Capital (HE) Sr. Ctr, abstract 6, NONE
 Capital (HF) Hwy Equip, abstract 6, NONE
 Capital (HG) Waste Study, abstract 6, NONE

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

b) Accept Resignation of Bingo Inspector David Graves – Bingo Inspector Graves submitted his resignation letter dated May 13, 2022 to Supervisor Drozd. Motion by Council Member Drake, seconded by Council Member Zittel, to accept the resignation of Bingo Inspector Graves with regrets. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

c) Appointment of Bingo Inspector James Krezmien – Supervisor Drozd advised that James Krezmien has agreed to fill the position of Bingo Inspector. Motion by Council Member Zittel, seconded by Council Member Snyder, to appoint James Krezmien as Bingo Inspector. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

d) 50 Year Proclamation – Thomas Salzler, Springville Fire Department

Council Member Krzemien moved the adoption of Resolution 15, seconded by Council Member Zittel:

WHEREAS, Tom Salzler has held the title of Fire Police Captain, Lieutenant, First Aid Captain for six years, Assistant Chief for six years and Chief for three years; and

WHEREAS, Tom Salzler is currently Fire Police call sign FP4; and

WHEREAS, Tom Salzler was instrumental in the work at Fireman’s Park, the Main Street firehall and the updated BBQ pits; and

WHEREAS, with Tom Salzler as Chief in 1990, the Springville Fire Department was able to get the twins, Engine #1 and Engine #2 at that time; and

WHEREAS, Tom Salzler has worked all of the Chicken BBQs and Sportsman Raffles; and

WHEREAS, Tom Salzler has 50 years of experience and a wealth of knowledge to teach others; and

WHEREAS, Springville Fire Department is very honored to have Tom Salzler and all of the experience and knowledge that he passes on:

NOW, THEREFORE, BE IT RESOLVED, on this day, June 9th, 2022 the Concord Town Board celebrates Tom Salzler on this milestone and thanks him for his commitment.

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) 43 Year Proclamation – David Dains, Springville Fire Department

Council Member Krzemien moved the adoption of Resolution 16, seconded by Council Member Zittel:

WHEREAS, David Dains has held every Executive Officer position in the Springville Fire Department; and

WHEREAS, David Dains has exemplified all the attributes of a selfless human being, foregoing his own wants, needs and desires in order to serve the residents and businesses of the Town of Concord for the past 43 years; and

WHEREAS, David Dains’ dedication, devotion and volunteerism are shining examples of community service and service to others; and

WHEREAS, Springville Fire Department is very honored to congratulate David Dains on his retirement from the Fire Department:

NOW, THEREFORE, BE IT RESOLVED on this day, June 9th, 2022 the Concord Town Board celebrates David Dains on this milestone and thanks him for his commitment. 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.

f) Reschedule July 14th Town Board Meeting to July 13th at 7 p.m./Work Session 6:30 p.m. Supervisor Drozd has a conflict for July 14th and asked the Board to reschedule the meeting for Wednesday, July 13th. Motion by Council Member Drake, seconded by Council Member Zittel, to reschedule the July 14th Town Board Meeting to July 13th at 7 p.m./Work Session 6:30 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

g) Letter of No Objection for Sprague Brook Park Event on 08/28/2022 - Town Clerk Schweikert received an email from Resurgence Brewing Company. The company is hosting the annual Pints in the Park series at Sprague Brook Park alongside the Erie County Park’s Department. Resurgence Brewing Company is requesting a Letter of No Objection for the event. The letter is a courtesy since the park is on County property and the Town has no jurisdiction. Council Member Drake’s only concern is that if someone consumes alcohol at the event and has a motor vehicle accident in the Town, could the Town of Concord be held liable in any way. Town Attorney Attea stated that he doesn’t know that the event wouldn’t take place if the letter is not sent. He doesn’t believe that the letter of no objection will create any additional legal exposure for the Town. Motion by Council Member Drake, seconded by Council Member Zittel, to authorize Supervisor Drozd to sign a Letter of No Objection. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

h) Jirak Family issue at Mortons Corners Cemetery – Supervisor Drozd reminded the Board that the Jirak matter was discussed at Work Session earlier in the evening. Further action is tabled until Town Attorney Attea sends a letter to Mr. Jirak to determine who has legal right to any remuneration.

i) Award Bid for Morton Road Culvert Project – The Bid Opening was held on June 3, 2022. The Town received eight bids which have been reviewed by MDA Consulting Engineers. MDA Consulting Engineers are recommending awarding this contract to Edbauer Construction in the amount of \$197,958.00 and authorizing Supervisor Drozd to sign the Notice of Award and authorizing Supervisor Drozd to sign the Agreement and Notice to Proceed, contingent upon Edbauer Construction providing the required bonds and insurances. Supervisor Drozd advised that this will reduce the Bridge/Culvert Reserve to \$0. Council Member Drake asked if there were any other options for funding. Highway Superintendent Edwards asked what happened to the \$135,000 unspent from the Highway budget for 2021. Can that be used to fund the project? Council Member Snyder advised that the money is not gone and we can use the fund balance if an emergency arises. Motion by Council Member Snyder, seconded by Council Member Zittel, to award the Morton Road Culvert Project to Edbauer Construction in accordance with MDA Consulting Engineers' recommendation. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

j) Award Bid for Hulbert Library Parking Lot Paving Project – The Bid Opening was held on June 3, 2022. The Town received eight bids which have been reviewed by MDA Consulting Engineers. Supervisor Drozd advised that the money would come from the Special Reserve Building Funds, which had a balance of \$183,008.85 as of 12/31/21. \$40,000.00 had also been allocated to the Special Reserve Building Funds for both the 2021 and 2022 Budget Years, for a total of \$263,008.85. Council Member Snyder asked why we aren't using the Federal Covid monies to pay for this project. Supervisor Drozd said that through meetings at the library, he became aware that we are eligible to apply for Library Construction Aid through the State. If awarded for this project, the Town could be reimbursed for up to 75% of the cost of the project. The Hulbert Library has never applied for a large construction project like this, so he believes we have a good chance of being awarded the money. The caveats are that construction can't begin until at least July 1st and the money wouldn't come in until next fiscal year. Supervisor Drozd and the Library Board of Trustees had a meeting with Ken Stone, Deputy Director/CFO for the Buffalo and Erie County Public Library regarding the parking lot project and possible construction aid. Mr. Stone is fairly confident that the Hulbert Library would be awarded the aid based on this project. Council Member Snyder still asked why we wouldn't use the Federal money that has already been secured instead. Supervisor Drozd explained that if we fund the project with Federal money, we may be denied the Library Construction Aid because the project was already funded through another source. He doesn't want to risk losing that money. If we use the Library Construction Aid, we can then use the Federal Covid money for other projects.

Council Member Zittel moved the adoption of Resolution 17, seconded by Council Member Drake:

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

WHEREAS, the Town Board of the Town of Concord will be approving the bid of D&H Excavating, Inc. in the amount of \$79,850.00; and

WHEREAS, funds to complete this project are in the Capital Reserve Building Fund and the Board authorizes the transfer of the \$79,850.00 from Capital Reserve Building to Special Reserve Building Fund.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord, authorizes the transfer of the funds from Capital Reserve Building fund to Special Reserve Building Fund.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

MDA Consulting Engineers are recommending awarding this contract to D&H Excavating in the amount of their base bid plus Alternate No. 2 of \$79,850.00 and authorizing Supervisor Drozd to sign the Notice of Award and authorizing Supervisor Drozd to sign the Agreement and Notice to Proceed, contingent upon Edbauer Construction providing the required bonds and insurances. Motion by Council Member Drake, seconded by Council Member Zittel, to award the Hulbert Library Parking Lot Paving Project to D&H Excavating in accordance with MDA Consulting Engineers' recommendation in the amount of \$70,650.00; with Alternate #2 of \$9,200.00 in the amount of \$79,850.00. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye. Council Member Snyder voting nay. Carried.

k) Approve Bid for Construction Plans – Community Park Snack Shack
Supervisor Drozd tabled this as he awaits more bids.

l) Colden Trail Riders Snowmobile Club – Accept SEQRA and declare negative declaration. Council Member Drake clarified that this has nothing to do with Rails to Trails.

Council Member Drake moved the adoption of Resolution 18, seconded by Council Member Zittel:

WHEREAS, it has been determined by the Town of Concord that the information presented by the applicant in their correspondence dated April 14, 2022 and the Short Environmental Assessment Form dated May 10, 2022 that the proposed action will not result in any adverse environmental impact. The Town Board accepts the SEQRA and declares a negative declaration on the Short Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes Supervisor Drozd to complete and sign/date the Short Environmental Assessment Form on behalf of the Town as Lead Agency.

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) NYS Parole Use of Town Hall – Supervisor Drozd received a letter from Martin Semrau, Bureau Chief/Department of Corrections and Community Supervision, thanking the Town for allowing the department to use the Concord Town

Hall for Year 2022. The department is at Town Hall the first and third Tuesdays of each month, from 1 p.m. to 4:30 p.m. There are 2-3 Parole Officers who see about 20 parolees. The department has used the Town Hall for several years without incident and all parolees are required to abide by building regulations. Motion by Council Member Krzemien, seconded by Council Member Drake, to continue to allow the NYS Corrections and Community Supervision Department to use the Concord Town Hall as an offsite reporting location. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

n) Red Cross Agreement for Use of Senior Center for Community Blood Drives - Supervisor Drozd received the American Red Cross Revocable Temporary License Agreement for Community Blood Drive dated June 2, 2022. The Blood Drive event dates are June 15, July 20, August 17, September 14, October 19, November 16, and December 14, 2022. Motion by Council Member Snyder, seconded by Council Member Zittel, to continue to allow the American Red Cross to use the Senior Center for their blood drive events. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

o) LED Lighting at Bensley Center & Concord Community Park— Supervisor Drozd advised that the lights at the Lucy Bensley Center could be replaced with LED for \$884.88 for parts and approximately \$500 for labor. The lights at Concord Community Park, excluding the large lights on the Varsity diamond, could be replaced with LED for \$1846.50. This would improve the security at the park. Federal Covid money may be used to reimburse the Town for these costs. Motion by Council Member Zittel, seconded by Council Member Krzemien, to approve the lighting replacement project at the Bensley Center in accordance with the L.A. Woolley Electric quote. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Hwy Supt Edwards will put these on Auctions International.

Motion by Council Member Zittel, seconded by Council Member Snyder, to approve the lighting replacement project at Concord Community Park in accordance with the L.A. Woolley Electric quote. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

p) Gold Star Feed and Grain LLC Request to Use Senior Center Parking Lot – Supervisor Drozd received a letter from Gold Star Feed requesting use of the Senior Center Parking lot on Thursday, July 21, 2022 from 12 noon until 3 p.m. for the customer appreciation lunch. The parking lot would only be used for parking, with the food being prepared and served in the Gold Star Feed parking lot. Council Member Drake asked if any heavy equipment or vehicles would be parking there. That is unknown but Supervisor Drozd said that he would put that in the letter to Mr. Ardillo from Gold Star. Motion by Council Member Zittel, seconded by Council Member Snyder, to allow Gold Star Feed and Grain the use of the Senior Center parking lot. Council Members Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Council Member Drake voting nay. Carried.

q) Five old Town Hall lights previously declared surplus – now to be donated to the Historical Society. No action required.

r) Approve early voting lease agreement – Early voting will be taking place at the Senior Center on 6/18/22 – 6/26/22 for Primary Election, 8/13/22 – 8/21/22 for Primary Election and 10/29/22 – 11/6/22 for General Election. Motion by Council Member Krzemien, seconded by Council Member Drake, to approve the Early Voting Polling Location Lease Agreement with the Erie County Board of Elections. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Supervisor Drozd advised that an Executive Session would be necessary to discuss personnel and legal matters. Supervisor Drozd advised that the legal matter was related to violations filed by Code Enforcement Officer Roberts. Town Attorney Attea and CEO Roberts said that parallel to the violations filed in Town Court, the Town Board could schedule a hearing before the Board. At that time, the property owner could be required to take corrective action within 30 days. Motion by Council Member Krzemien, seconded by Council Member Drake, to schedule a hearing before the Town Board for CEO Roberts' violation matter. Council Members Drake & Krzemien; Supervisor Drozd, voting aye. Council Member Snyder voting nay. Council Member Zittel abstaining. Carried.

Supervisor Drozd expects no action to be taken after the Executive Session on a personnel matter. Motion by Council Member Zittel, seconded by Council Member Drake, to go into Executive Session at 8:14 p.m. to discuss personnel issues. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Town Attorney Attea was invited into Executive Session.

Motion by Council Member Krzemien, seconded by Council Member Zittel, to come out of Executive Session at 8:37 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #7 CONSENT AGENDA

There was nothing for Consent Agenda.

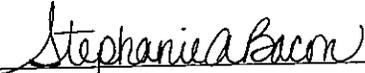
ITEM #8 COUNCIL MEMBER NOTES

Council Member Zittel mentioned that the East Concord tractor pull will be taking place July 16th at 6 pm.

ITEM #9 MOTION TO ADJOURN

Motion by Council Member Drake, seconded by Council Member Zittel, and passed unanimously, to adjourn the meeting at 9:00 p.m. in memory of:

Mary L. Coons
Yvonne F. Marsh
Delbert M. Dains
Jean R. Wells
Ronald A. Wendel


Stephanie A. Bacon
Deputy Town Clerk