

TOWN OF CONCORD TOWN BOARD MEETING September 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 ZITTEL

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  
CAROLYN ROBINSON, Dog Control Officer

KATHY LUX

ITEM #1 APPROVAL OF MINUTES

a) Work Session – 08/11/2022 – 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) Town Board Meeting – 08/11/2022 – 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) Public Hearing – Craneridge & Kissing Bridge Wastewater Plant – 08/18/2022- Motion by Council Member Zittel, seconded by Council Member Drake, to approve the minutes as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

d) Special Town Board Meeting – 08/18/2022- 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.

ITEM #2 PUBLIC COMMENT

Supervisor Drozd opened the floor for Public Comment.

Kathy Lux addressed the Board; she plays Euchre at the Concord Senior Center on Thursdays. Prior to COVID, the group was allowed to stay without an employee there and lock the building when they left and drop the key in the dropbox. The DMV will now be at the Center on Thursdays so their group has been asked to use a different room and change the hours that they play because the room is also used for lunches. There is the partition in the room so the group could be separated from the lunches without interference. The Town does require an employee to be present. Supervisor Drozd will work with the Senior Center Director Eschborn and the Euchre group to find a solution. Ms. Lux thanked the Board and left the meeting at 7:10 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-i. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

- a) Code Enforcement Report – August 2022
- b) Dog Control Officer Report – August 2022
- c) Town Clerk Report – August 2022
- d) Van Report – August 2022 (was not available)
- e) Judge Gibbin – July 2022
- f) Judge Frank – July 2022
- g) Supervisor's Report – January-July 2022
- h) Senior Director Report – August 2022
- i) Historian Report – August 2022

j) Highway Report – Hwy Supt Edwards filed his report. His report is included in the Minute Book. Hwy Supt Edwards was on vacation for part of this month and thanked his Deputy Larry Heim for doing a great job in his absence.

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) Hulbert Parking Lot Paving Project Update – Supervisor Drozd reported that there were some bad spots in the paving that needed to be dug out because there was crumbling; there were spots with high gravel on the exit road going out from original parking lot. The binder is now there. The contractor has been good to work with on the project. The striping will be completed soon.

b) Morton Road Culvert Project Update – Supervisor Drozd will set up a meeting regarding the blacktop work discussed in Work Session.

(1) Payment Application to Edbauer Construction – This is the first draw and final payment will not be made until the blacktop matter has been resolved. Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve Payment Application No. 1 for the amount of \$146,664.50. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. The balance remaining is \$51,293.50.

c) NY Municipal Insurance Reciprocal Recommendations Update – The Town received three recommendations: (1) Prior Written Notice Update; this has been completed; (2) Master Battery Disconnect Switches; Hwy Supt Edwards will work on this and advise the Board when completed; and (3) Clerk's Panic Buttons; this project is scheduled for October 17<sup>th</sup>. Once all are completed, Town Clerk Schweikert will forward the completed recommendation letter to NYMIR.

d) Kissing Bridge Water – Ehmke Well Drillers completed their work to raised the well heads that Erie County Department of Health advised were not high enough. The ARPA Funds will be used to pay for this work. When Ehmke Well Drillers were on site, they looked at the bladder tanks because two out of the four are not online and need to get these two working to allow for future use with pending construction in the area. Ehmke Well Drillers will put together a quote for this work.

ITEM #5      NEW BUSINESS

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

## Year 2022 Abstract 9:

General Fund A, Abstract 9 bills 988-1068; \$62,028.30

General Fund B, Abstract 9, bills 1069-1072; \$4,249.16

Library Fund, Abstract 9, bills 1073-1074; \$453.95

Fire Protection, Abstract 9, NONE

Joint Van, Abstract 9, bills 1075-1081; \$1,582.99

Joint Youth, Abstract 9, NONE

Craneridge Lighting, Abstract 9, NONE

Craneridge Sewer, Abstract 9, bills 1082-1089; \$16,389.88

Highway DA, Abstract 9, bills 1090-1091; \$15,808.94

Highway DB, Abstract 9, bills 1092-1114; \$35,441.08

Kissing Bridge Water, Abstract 9, bills 1115-1118; \$490.44

Kissing Bridge Sewer, Abstract 9, bills 1119-1123; \$238,170.22

Trevett Rd. Water, Abstract 9, NONE

Cattaraugus St. Water, Abstract 9, bill 1124; \$478.79

Trust &amp; Agency, Abstract 9, NONE

Capital (HA) C. Sewer, Abstract 9, NONE

Capital (HB) Land, Abstract 9, NONE

Capital (HD) Catt St, Abstract 9, NONE

Capital (HE) Sr. Ctr, Abstract 9, NONE

Capital (HF) Hwy Equip, Abstract 9, NONE

Capital (HG) Waste Study, Abstract 9, NONE

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

b) Set Public Hearing Community Development Block Grant – Supervisor Drozd explained that this is Federal Community Development Funds. The purpose of this hearing is for citizens to express community development and housing needs and to discuss possible projects which would benefit low- and moderate-income peoples in the Town. Motion by Council Member Drake, seconded by Council Member Zittel, to set the Public Hearing for the Community Development Block Grant for Thursday, October 13<sup>th</sup> at 6:15 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 and post on the signboard at the Town Hall and also the Town's website.

c) Set Public Hearing Tax Cap – Supervisor Drozd advised that at this time the Town Board is working on the 2023 Budget and does not know if the budget will go over the tax cap. Motion by Council Member Snyder, seconded by Council Member Zittel, to set the Public Hearing for the Tax Cap for Thursday, October 13<sup>th</sup> at 6:30 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. The tax cap for this year is 2%. Town Clerk Schweikert will have the notice published in the Springville Journal and post on the signboard at the Town Hall and also the Town's website.

d) Set Special Town Board Meeting – Present Tentative 2023 Budget - Motion by Council Member Drake, seconded by Council Member Zittel, to set the Special Town Board Meeting to present the Tentative 2023 Budget for Tuesday, October 4<sup>th</sup> at 9 a.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Town Clerk Schweikert will have the notice published in the Springville Journal and post on the signboard at the Town Hall and also the Town's website.

e) Set 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:

Thursday, September 15, 2022 at 5:30 p.m.

Friday, September 23, 2022 at 8 a.m.

Supervisor Drozd advised that if more Work Sessions are needed, dates will be scheduled at that time. Town Clerk Schweikert will have the notice published in the Springville Journal and post on the signboard at the Town Hall and also the Town's website.

f) Payroll Service – Motion by Council Member Snyder, seconded by Council Member Zittel, to authorize Supervisor Drozd to sign the agreement with Kaufman Utz Accounting LLC for payroll services starting October 1, 2022. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. The payroll will remain on the current schedule for employees until January 1, 2023 and then all payroll will be bi-weekly.

g) Health Insurance Broker – John Cureo, Lawley Insurance representative, is meeting with employees to review their insurance. Motion by Council Member Clyde, seconded by Council Member Zittel, to move the Town's health insurance to Lawley Insurance. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Supervisor Drozd has notified our previous broker.

h) 30 Day Agricultural Notice - Agricultural District Annual Enrollment - Supervisor Drozd read the Agricultural District Notice of Open Enrollment into the Minutes. This Notice is also posted in the Bulletin Board at the Town Hall and the town's website.

#### **PUBLIC NOTICE**

Per New York State Agriculture and Markets Law Section 303-b, the Erie County Legislature designated September 1 through September 30 as the annual thirty-day period during which landowners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district.

Copies of the application form have been provided to Municipal Clerk's, Assessors and Chief Elected Officials for distribution to interested landowners. The application is also available on the DEP website at [www.erie.gov/environment](http://www.erie.gov/environment).

The Erie County Department of Environment and Planning will accept applications from September 1 through September 30. Any questions on this process should be directed to the Erie County Department of Environment and Planning.

A public hearing will also be scheduled at a later date to consider all inclusion requests and the recommendations of the Erie County Agricultural and Farmland Protection Board.

Contact Information:  
Sarah Gatti, Senior Planner  
Erie County Environment & Planning  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, NY 14202  
Phone: (716) 858-6014  
Fax: (716) 858-7248  
Email: [agriculture@erie.gov](mailto:agriculture@erie.gov)

i) Abandoned Vehicle Resolution – Supervisor Drozd has been working with Attea & Attea, Attorneys, and County Clerk Kearns regarding this Resolution. This is a fairly common practice in larger cities. This allows municipalities to take title and possession of abandoned vehicles. The Board discussed this particular situation at 106 North Street. Town Atty Attea advised that all statutory requirements have passed; notices were sent to the owner; no response. The owner of the vehicles was evicted from the property and has since disappeared. Town Atty Attea advised that the Town can then sell these vehicles at public auction or salvage them. Supervisor Drozd noted that they

could be added to the surplus lighting and office equipment already going to Auctions International.

Council Member Zittel moved the adoption of Resolution 36, seconded by Council Member Snyder:

**TOWN OF CONCORD, NEW YORK  
RESOLUTION REGARDING ABANDONED VEHICLES  
SITUATED AT 106 NORTH ST., SPRINGVILLE, NY 14141**

WHEREAS, the Town Board has received a request from R&R Holland, LLC, the titled owner to 106 North St., Springville, NY 14141, to take possession of vehicles which were abandoned at the subject property by a former tenant, and which despite demand to said tenant to remove the same following an eviction action, remain situated thereat; and

WHEREAS, the vehicles situated at the premises are as follows:

- 1) 2011 Porsche Cayenne Turbo;
- 2) 2007 Mercedes C230;
- 3) 2009 Volkswagen Beetle (Convertible);
- 4) 2003 Mercedes C230;
- 5) 2005 Mercedes CLK 430;
- 6) 2003 Kia Sedona XL;
- 7) 2005 Kia Rio; and
- 8) 2000 Pontiac Firebird; and

WHEREAS, pursuant to NYS VTL Sec. 1224 the local municipality in which a vehicle is abandoned is entitled to custody and possession thereof, and is authorized to use or dispose of such vehicles as authorized pursuant to the provisions of VTL Sec. 1224<sup>1</sup>;

WHEREAS, the property owner has previously provided notice to the former tenant on April 18, 2022, for the purposes of allowing the tenant to remove the same, following the eviction of the Tenant from the Premises by the Erie County Sheriff's on April 13, 2022, and as of September 7, 2022, no attempt to remove the vehicles has been made and response from Tenant has been forthcoming; and

WHEREAS, in accordance with VTL Sec. 1224(1)(d), the vehicles have now been unattended without permission at the subject premises for greater than ninety-six (96) hours, and as such all are deemed to have been abandoned;

NOW THEREFORE, BE IT RESOLVED, that the Town of Concord acknowledges and accepts possession of the aforesaid vehicles, and shall use and or/dispose of the same in a manner authorized by VTL Sec. 1224; and

BE IT FURTHER RESOLVED, that the Town of Concord shall notify the property owner not less than forty-eight (48) hours in advance of the date and time upon which it shall remove the vehicles from the above-described premises for the purposes of allowing the property owner time to ensure that the premises are accessible.

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.

Council Member Drake made the motion, seconded by Council Member Zittel, to add (j) Community Park Pavilion. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

j) Community Park Pavilion – This was discussed earlier during Work Session. Council Member Zittel questioned if the project should be bid out separately: construction and plumbing. Supervisor Drozd would recommend the bid be for the whole project and the contractor could subcontract the plumbing. Council Member Zittel will work with Schenne Engineers to get the building specifications finalized and the bid packet ready. Council Member Zittel made the motion, seconded by Council Member Krzemien to advertise for bids for construction of the new Community Park Pavilion with the Bid Opening set for Tuesday, October 11<sup>th</sup>, 2022 at 10:00 a.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Council Member Drake made the motion, seconded by Supervisor Drozd, to add (k) Justice Court JCAP Application; and (l) Fire Contracts Public Hearing. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

k) Justice Court Assistance Program (JCAP) Grant Application – The Court Clerks are working on the JCAP application. The application will include items for the new Court Storage area security camera and fob access to the room.

Council Member Snyder moved the adoption of Resolution 36, seconded by Council Member Zittel:

RESOLUTION OF THE TOWN BOARD ("THE BOARD") OF THE TOWN OF CONCORD, COUNTY OF ERIE AND STATE OF NEW YORK, WHICH AT A MEETING OF THE BOARD ON SEPTEMBER 8, 2022, DID APPROVE AND AUTHORIZE THE TOWN OF CONCORD JUSTICE COURT TO APPLY FOR A GRANT THROUGH THE JUSTICE COURT ASSISTANCE PROGRAM ("JCAP") FOR GRANT FUNDS IN THE 2022-2023 GRANT CYCLE.

WHEREAS, the Town of Concord Justice Court ("the Court") is the court duly authorized to operate in the Town of Concord.

WHEREAS, the Justice Court Assistance Program ("JCAP"), makes funds available on an annual basis to assist Town and Village courts with upgrades, enhancements, et.

WHEREAS, the Court would like to apply for a JCAP grant in the 2022-2023 grant cycle to cover costs for items that would enhance the courthouse's usefulness and appearance. Further, should the grant be denied, said items would not be purchased until other funding was first secured.

THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Concord authorizes the Concord Town Court to apply for a JCAP Grant in the 2022-2023 grant cycle up to \$4,750.00.

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.

1) Fire Contracts Public Hearings– Supervisor Drozd noted that there had been meetings between the Town and the fire companies with regard to new fire contracts. These agreements have a 3% increase and are for a three-year term. Motion by Council Member Drake, seconded by Council Member Zittel, to set the Public Hearing for the Fire Contracts for Thursday, October 13<sup>th</sup> at 6:00 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 and post on the signboard at the Town Hall and also the Town's website.

ITEM #6      EXECUTIVE SESSION

There was nothing for Executive Session.

ITEM #7      CONSENT AGENDA

There was nothing for Consent Agenda.

ITEM #8      COUNCIL MEMBER NOTES

a) Council Member Krzemien stated that the West Valley Demonstration Project was cancelled; she will advise of the rescheduled date.

b) Council Member Snyder advised that he and Supervisor Drozd met with the Craneridge Lighting Committee. The meeting went well; appears that gas lighting is off the table now and the Committee is making progress.

c) Council Member Drake has the Drescher & Malecki budget recommendations and will digest the information to assist in the 2023 Budget preparation process.

d) Hwy Supt Edwards requested a meeting with Supervisor Drozd and Council Member Drake to discuss CHIPS money. The meeting was set for the morning of Monday, September 12<sup>th</sup>.

ITEM #9      MOTION TO ADJOURN

Motion by Council Member Snyder, seconded by Council Member Zittel, and passed unanimously, to adjourn the meeting at 7:48 p.m. in memory of:

Kenneth E. Czpla  
Donald G. Jozwiak  
Joseph M. Janora, Sr.  
Thomas M. Salzler  
Daniel J. Ciszak  
Queen Elizabeth II

  
\_\_\_\_\_  
Darlene G. Schweikert  
Town Clerk





## ***Town of Concord Highway Department***

13076 N. Central Avenue

Springville, NY 14141

716-592-4892 Phone

716-592-4357 Fax

Barry A. Edwards, Highway Superintendent

Highway Superintendents Report for the period of August 11, 2022 to September 7, 2022.

With twenty-eight days in this period the Highway Department

- The men continue to mow all cemeteries and Senior Center.
- The men oil and chipped Kern, Transit Line, Middle and Mayo Roads.
- The men screened millings in the yard and then cleaned up the yard.
- We hauled fill to Craneridge and installed 100 feet of 12-inch culvert pipe. While we were there, we also put in a ditch from the well house driveway to the ditch out front, and cleaned out ditch on Hardwood.
- Cody is continuing to mow shoulders of the roads.
- Trimmed trees at library.
- Fixed coolant leak on truck #13.
- Changed oil and greased truck #11 and #14.
- Hauled chipping stone for Colden Highway Department.
- Sent Cody, Sean and Bill Goss in for drug and alcohol testing.
- Cleaned shoulders underneath guardrails with excavator and hosed off with Village water truck on Scoby Hill Road.
- Cleaned shop.
- Painted hallway and wall behind metal rack in shop.
- Continue to check on beavers on Kaiser Road.
- Brake job was finished on truck#16.
- Swept Kern, Transit Line, Middle and Mayo Road, and took down oil and chip signs.
- Fixed oil leak on truck #15.
- Cleaned up all scrap steel in shop and put in barrels out back.
- Took truck#16 to Ford garage for a recall.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Barry A. Edwards", with a large, sweeping loop at the end.

Barry A. Edwards

Highway Superintendent

