

TOWN OF CONCORD SPECIAL TOWN BOARD MEETING November 20, 2023  
5:00 p.m.

MEETING CALLED TO ORDER BY PHILIP DROZD, SUPERVISOR,  
at 5:00 p.m.

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

EXCUSED: WILLIAM F. SNYDER, III, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk  
BARRY A. EDWARDS, Hwy Supt.

ITEM #1 WENDEL CONTRACTS

Both of these Contracts; 94-C Wind Project Assistance and 94-C Solar Project Assistance, were reviewed by the Town Board at their November 9<sup>th</sup> meeting. The approval of the two Contracts was tabled to allow further review by Town Attorney Attea. Town Attorney Attea discussed the contracts with Andrew Reilly of Wendel Companies and the Contracts are now ready for the Town Board's approval. The 94-C Solar Project Assistance proposal fee is \$17,000 and the 94-C Wind Project Assistance proposal fee is \$4,500. The Town already received the \$30,000 escrow deposit from EDF Renewables for the Genesee Road solar project; the 94-C Solar Project Assistance will come out of this sum. Town Attorney Attea will also be paid from these funds for his services on solar.

Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve the Wendel Companies 94-C Solar Project Assistance in the amount of \$17,000 and the 94-C Wind Project Assistance Contracts in the amount of \$4,500 and authorize Supervisor Drozd to sign both Contracts. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.

ITEM #2 SUPERVISOR DROZD NOTES

a) Supervisor Drozd has a Zoom meeting scheduled for tomorrow morning, November 21<sup>st</sup>, with the historical grants writer to review her fees in regard to grant funding for the Town Hall building and the Lucy Bensley Center. A quote for the grant writer's fees has not yet been received but there are funds in this year's budget for a grant writer; the town would not be hiring her on an annual basis; just to do this historical grant. The grant writer did find a grant for the Town to apply for with a deadline date for applications of December 1<sup>st</sup>. Supervisor Drozd will see how the Zoom meeting goes tomorrow.

b) Hwy Supt Edwards received a call last week from the NYS Department of Transportation and a meeting has been scheduled for tomorrow, November 21<sup>st</sup>, late morning. "This meeting is intended to come up with a solution to the signal maintenance issue with the three signals in Springville on South cascade Drive. This is a long-standing issue that dates back to almost a decade with the three parties included: Erie County, New York State and the Town. Please bring any documentation or correspondence you may have to aid in this conversation." Supervisor Drozd has over 12 years of personal knowledge on this matter so he is very well versed on this issue and will have all the documentation in the Town's file with him for this meeting; it will be a long meeting. Supervisor Drozd told the NYS representative that the Town has been waiting for someone to call the Town because the Town's first bone of contention before this even gets started is that the Town of Concord wants to know why the NYSDOT did not relinquish this portion to the Village of Springville because under NYS Highway Law, the Town should not even own this road because it is all within the

incorporated Village and that is against NYS Highway Law. Supervisor Drozd also discussed this matter with Town Attorney Attea. Supervisor Drozd explained signal maintenance law and believes that the signal at Route 39 to Springville Boston Road (North/South Cascade) is New York State's responsibility under Highway Law because the State is the artery there and it is a state connecting road; the state permitted Benderson Development to put the one in at the Tops Plaza because at that point NYS had the road and that agreement is between NYS and Benderson. The other intersection at Waverly/Zoar Valley/South Cascade should be maintained by Erie County but Erie County does not own any signals in the whole County as a matter of long-standing policy. The County controls that intersection there with three roads and the Town only owns one and that is under protest now that the Town even owns that portion. Supervisor Drozd told the NYS representative that the first thing that needs to be resolved is ownership of that section of the road; the Town of Concord should not have that road. New York State gave it to the County, the County gave it back to the State and then the State gave it to the Town of Concord which was illegal. The Town should not need a maintenance contract when technically the Town should not have the road.

c) Supervisor Drozd has been working with Courtney Ebling who purchased the property at 8934 Cattaraugus Street. This property is in the Cattaraugus Street Water District. At the time the District commenced, the owner at that time (Lillie) did not connect to the water. At the time of Ms. Ebling's closing, the well water did not pass the Erie County Health Department testing and Ms. Ebling wants to hook into the water. The property has been paying the Water District charges on their tax bill and pursuant to Public Service Law, the Town has to let her hook on. Supervisor Drozd showed the members a map of the area for reference. Supervisor Drozd met with the Village DPW Superintendent Duane Boberg and Caleb Henning, MDA Consulting Engineers, to discuss the options available to the owner; and the owner met with Ehmke Well Drillers who put in the well and Mike Conner, Ike's Land Developing. The Village provides the meters because they bill for the water service. Supt. Boberg advised that the meter could be put in the pit, bore/push under the road and put a new service in and the second option is at where it ends and goes across the street at Blumenstein's property, tap in there, come straight to her property in the right of way and then diagonal to the dwelling where the well pipe goes into the house to hook onto the main piping and then the Village will provide the new meter. Underground would need to be contacted before the digging. Supervisor Drozd advised that this is the County right-of-way and the property owners do not need to grant permission; but Blumenstein will be notified as a courtesy. Just the County permission will be required; the Town will apply for the Right of Way Permit from Erie County and once Ms. Ebling makes her decision to proceed, the Town will need to file the Permit since the Town owns the District. The contractor would go about 50 feet and then go to the Ebling property and the meter would go on the inside and put a remote read on it for remote reading by the Village. There is an old 3-inch steel gas line in the right of way and the contractor would just go under it and bring it up. MDA Consulting Engineers will submit the two methods he would like to see on it and Supervisor Drozd will get it to the contractor. MDA Consulting Engineers will also be on site when this goes on for an inspection from a P.E. standpoint. The curb box will be on the Ebling property; this is the easiest approach.

Ms. Ebling has to pay for the work involved in this project. Supervisor Drozd noted that the Board should have made everyone hook on or had a stub put in there for future when the District was put in. Supervisor Drozd will continue to work with the owner to resolve this matter.

### ITEM #3      HIGHWAY DEPARTMENT

Supervisor Drozd informed the Board that the purchase of a new pickup truck for the Highway next year was budgeted. There is one up to Emerling and with the supply/demand going on; if we ordered at the beginning of the year, could take eight months. Hwy Supt Edwards explained that Rock City has one listed at \$54,000 (already has the discount). The Emerling one is listed at \$62,620 and discount of \$9,393, it would be \$53,227. It is a red truck; as soon as trucks come in, they sell them. This Emerling truck lists for \$62,620 which has a plow on it for \$10,664; totaling \$73,284 and then with the discount of \$9,393 and the trade-in for the Colorado of \$25,000; the truck would be

\$38,891. The Colorado has 45,000 miles on it and is out of warranty. This Emerling truck is a 2023 Model Year Ram 2500 Tradesman Crew Cab 4x4. The Board reviewed the standard equipment and the optional equipment on the truck. There was \$89,000 in Reserves and then posting the \$75,000 from the 2023 Budget, there is \$164,000. There was discussion about the box on the 550 and the sale of the 550 and whether the money should come out of the Year 2023 or Year 2024 budgets and if any budget line transfers would be necessary. Council Member Drake was concerned that Hwy Supt Edwards stated at the last Board meeting that the Department needed a new tractor/mower at about \$200,000. Hwy Supt Edwards clarified that if he were to purchase a new tractor it would cost about \$200,000. Deputy Hwy Supt Heim was contacted by Kubota to discuss leasing the equipment for approximately \$8,000 year and then this tractor/mower could be sold. The tractor being discussed is the one that is used for mowing the shoulders; not Community Park. There was more discussion about which equipment could be used to plow the Senior Center, Town Hall and the Hulbert Library. It was agreed that Summer 2024 the Hwy Department would continue to use the tractor/mower that the Town currently owns.

Motion by Council Member Zittel, seconded by Council Member Drake, to approve the purchase from Emerling of the 2023 Ram 2500 Tradesman Crew Cab, as discussed above, on a mini-bid, as an emergency purchase because of the time of year and the availability of the vehicle. Council Members Drake, Zittel & Krzemien; Supervisor Drozd, voting aye; Council Member Snyder, excused. Carried.

Hwy Supt Edwards advised the Board the Highway Department did the tree work at Maplewood Cemetery approved at the November 9<sup>th</sup> meeting. St. Matthew's Tree Service had to be contacted to take down one of the ash trees. Hwy Supt Edwards noted that there are several dead trees within that cemetery.

ITEM #4      MOTION TO ADJOURN

Motion by Council Member Zittel, seconded by Council Member Krzemien, and passed unanimously, to adjourn the meeting at 5:34 p.m.



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Darlene G. Schweikert  
Town Clerk

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