

TOWN OF CONCORD TOWN BOARD MEETING April 11, 2024  
7:00 p.m.

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

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

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk  
BARRY A. EDWARDS, Hwy Supt.  
BRIAN F. ATTEA, Town Attorney  
CAROLYN A. ROBINSON, Dog Control Officer  
THOMAS ROBERTS, Code Enforcement Officer

SUE BOYLE	MARNIE ROBEL
RASHAWN SMALLS	MARY CAROL DEARING
JENNY WIEDE	BILL WOOD
GEORGE DONHAUSER	ERIC WIEDEMANN
ERIC WILLIAMS	

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER KRZEMIEN

ITEM #1      CONSENT AGENDA

- a) Approval of Minutes:  
(1) Work Session – 3/14/2024  
(2) Town Board Meeting – 3/14/2024

Motion by Council Member Drake, seconded by Council Member Zittel, to approve Consent Agenda, Items 1-2. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- b) Monthly Reports:  
(1) Code Enforcement Report – March 2024  
(2) Dog Control Officer Report – March 2024  
(3) Town Clerk Report – March 2024  
(4) Judge Frank – February & March 024  
(5) Judge Gibbin – February 2024  
(6) Senior Director Report – March 2024  
(7) Assessor's Report – March 2024

Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve Consent Agenda, Items 1-7. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #2      RESIDENT CONCERNS

Supervisor Drozd opened the floor for Public Comment. There is a three-minute time set aside for each person.

(1) Dog Control Officer Robinson explained that last night she had received a call from the Erie County Sheriff's Department to remove a dog from a car. The owner had been admitted into Bertrand Chaffee Hospital. The owner was a homeless woman living in her vehicle in the Walmart parking lot. The owner was released from the hospital today but is unable to pay the \$30 fee. DCO Robinson will

cancel her part of the fee and is requesting the Town Board to waive the impound fee. Would the Town be so inclined to void their portion of the fee? Town Atty Attea said that this is something that the Board could agree to do. Motion by Council Member Zittel, seconded by Council Member Krzemien, to fee the Town's portion of the impound fee in this matter. DCO Robinson noted that she has collected \$43 in donations from patrons of the Senior Center; this money was given to the woman with the suggestion that she use the money towards gasoline for her vehicle. Supervisor Drozd thanked DCO Robinson for all that she does for the Town.

ITEM #3      HIGHWAY DEPARTMENT

a) Hwy Supt Edwards asked the Board to receive and file his Highway Report.

Motion by Council Member Drake, seconded by Council Member Zittel, to receive and file the Highway Department Report. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #4      OLD BUSINESS

a) KBWWTP – Supervisor Drozd updated the Board on this project. He has been taking pictures of the project since the start to now. The bollards were set; they were moved to a better location. All that remains to be done in Phase I of the project is landscape and clean up; bring it up to grade. The project has expended the gravel allotment because more concrete had to be removed. Supervisor Drozd asked Hwy Supt Edwards if the Town had any gravel/millings around; Hwy Supt Edwards will check.

(1) Approve Payment Application #4 Meyer Septic \$38,750.00 as recommended by MDA Consulting Engineers. Motion by Council Member Zittel, seconded by Council Member Drake, to approve Payment Application #4 – Meyer Septic in the amount of \$38,750.00. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

b) Senior Center Contract for Janitorial Services signed. Supervisor Drozd reminded the Board that the cleaner had submitted her resignation. Another cleaning service is on board now. Yesterday was her second day. She will be cleaning the Senior Center on Wednesdays and Fridays. Custodian Ott went up yesterday to work with her and show her the floor machine. Supervisor Drozd will go over the list of duties with her. Motion by Council Member Zittel, seconded by Council Member Kassel, to authorize Supervisor Drozd to sign the Contract for Janitorial Services with Kathleen's Cleaning Service. Council Members Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye; Council Member Drake, abstained. Carried.

ITEM #5      NEW BUSINESS

a) Audit of the Bills – Council Member Krzemien audited the Bills this month.

Year 2024 Abstract 4:  
General Fund A, Abstract 4, \$62,669.12  
General Fund B, Abstract 4, \$3,525.43  
Library Fund, Abstract 4, \$109.86  
Fire Protection, Abstract 4, \$681,738.02  
Joint Van, Abstract 4, \$201.16  
Joint Youth, Abstract 4, NONE  
Craneridge Lighting, Abstract 4, \$7,804.15  
Craneridge Sewer, Abstract 4, \$4,233.64  
Highway DA, Abstract 4, NONE  
Highway DB, Abstract 4, \$18,375.95  
Kissing Bridge Water, Abstract 4, NONE  
Kissing Bridge Sewer, Abstract 4, \$13,969.92  
Trevett Rd. Water, Abstract 4, NONE

Cattaraugus St. Water, Abstract 4, NONE  
Trust & Agency, Abstract 4, NONE  
Capital (HA) C. Sewer, Abstract 4, NONE  
Capital (HB) Land, abstract1, NONE  
Capital (HD) Catt St, Abstract 4, NONE  
Capital (HE) Sr. Ctr, Abstract 4, NONE  
Capital (HF) Hwy Equip, Abstract 4, NONE  
Capital (HG) Waste Study, Abstract 4, NONE  
Capital (HI) Waste Study, Abstract 4, \$38,750.00

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

b) DRYM Management LLC – Abbott Hill Road Project – DRYM Management LLC submitted their preliminary plat to the Board and has paid the appropriate fee. According to Section 129-4 of the Town Code, the Town Board will now refer this matter to the Planning Board for their review and also refer the matter to MDA Consulting Engineers for their review, Section 129-7A(10) & B. This project will have 36 units: Phase I is for 3 townhouses with 6 units in each townhouse. Phase II is for 6 single family homes and 2 townhouses with 6 units in each townhouse. Motion by Council Member Zittel, seconded by Council Member Krzemien, to accept the preliminary plat and send it to the Planning Board and MDA Consulting Engineers for their review. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried. Council Member Drake advised that this matter will come back to the Town Board after review by the Planning Board.

c) S11765 Allen Road premises – Dmochowski – Supervisor Drozd advised that the SPCA was here last week Friday. The SPCA received complaints and investigated and then contacted CEO Roberts about the unsafe conditions of the barn. Photos were provided to the Board. CEO Roberts is asking the Board to issue an Order of Repair so that no one is allowed in the barn except to repair. Council Member Zittel is concerned how this would affect the owner as he does not believe she has the money to repair the structure. CEO Roberts noted that this is a means to get the cows removed from the barn. The SPCA did not remove the animals; one cow will need to be euthanized, one has an eye injury and others are malnourished. The SPCA will be coming back in 30 days to check. It appears that the owner of the cattle has been in the hospital so the cattle were not fed or being cared for. CEO Roberts noted that the foundation is deteriorated and collapsed; there is 15-year-old hay being stored in the barn. Supervisor Drozd advised that the SPCA is asking for the Town's support in this matter. CEO Roberts would put No Trespassing signs on the property. CEO Roberts will work with Town Atty Attea for the language to put on the signs. Town Atty Attea advised that the Town will need to notice the property owner and the property owner has to have five days' notice before the Town Board holds a hearing on this matter. Section 59-5 Order to Repair; Hearing to be Scheduled. Motion by Council Member Zittel, seconded by Council Member Krzemien, to authorize CEO Roberts to proceed with the Order of Repair on the property at S11765 Allen Road, Town of Concord. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

Supervisor Drozd asked for a motion to add: Item (d) 12009 Sharp Street premises- Creeley; (e) Band Contract July 4<sup>th</sup> and (f) Smoke-Free Resolution. Motion by Council Member Drake, seconded by Council Member Krzemien, to add Items (d), (e) and (f) to the Agenda. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

(d) 12009 Sharp Street premises – Creeley – CEO Roberts was informed that a squatter was living in this residence. This parcel is on the In Rem Foreclosure list at Erie County; the owner vacated the property many years ago and is not locatable. On April 9, 2024, CEO Roberts went to the premises with the Erie County Sheriff's Department and the squatter and all the belongings are out. CEO Roberts is asking the Board to issue an Order of Repair so that he can board up the back door at the home to secure it from entry. The other two entry doors have locks on them.

Motion by Council Member Zittel, seconded by Council Member Krzemien, to authorize CEO Roberts to proceed with the Order of Repair on the property at 12009 Sharp Street, Town of Concord. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

(e) Band Contract July 4<sup>th</sup> – Supervisor Drozd asked the Board for permission to sign the Band Contract with Sudden Urge in the amount of \$700 for the July 4<sup>th</sup> event. Liz Melock at the Village of Springville was handling the contracts with the bands. Because Liz Melock was not reappointed by the Board of Trustees, Supervisor Drozd would like permission to sign the Contract. Motion by Council Member Krzemien, seconded by Council Member Kassel, to authorize Supervisor Drozd to sign the Band Contract with Sudden Urge for the July 4<sup>th</sup> event. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

(f) Smoke-Free Resolution – This matter was discussed during Work Session earlier this evening.

Council Member Drake moved the adoption of Resolution 4, seconded by Council Member Zittel:

WHEREAS, the Concord Town Board has been provided information and heard a presentation by Tobacco Free Erie & Niagara and Springville Regional Coalition; and

WHEREAS, the Concord Town Board recognizes the potential threat to health and safety caused by the use of smoking tobacco or vaping, both to users and as a result of second-hand smoke; and

WHEREAS, the Concord Town Board wishes to prevent such health hazards as a result of such usage on Town properties;

NOW, THEREFORE, BE IT RESOLVED, that the Concord Town Board wishes to promote a smoke free environment in all public Town spaces, indoors and outdoors; and

BE IT FURTHER RESOLVED, that the Concord Town Board shall continue to investigate the promulgation of a new Town law prohibiting the smoking of any materials or devices in or on Town properties, including but not limited to providing appropriate signage to promote such prevention and to create healthier spaces on Town Property.

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

Council Member Zittel asked Supervisor Drozd if the Board had to discuss Gov. Hochul proposal to impose eminent domain on WNY counties by-passing the legislative process, in order to site wind and solar in our area. The Renewable Action through Project Interconnect and Deployment (R.A.P.I.D.) Act seeks to accelerate and expedite permitting procedures for major energy and electric transmission facilities. The R.A.P.I.D. Act, by executive fiat, would eliminate any authority of a town or county to limit or modify a developer's plan. Supervisor Drozd advised that Assemblyman DiPietro will keep the Board informed; it may be struck from the final state budget. Town Atty Attea has not seen any legislation on this matter but it is really frightening; it's taking the concept of eminent domain to a different level. George Donhauser asked the Board to do whatever they can do, do it. Mr. Donhauser noted that you can't trust those politicians to do what is right for us.

George Donhauser said he had a couple of items to address under Public Comment but Supervisor Drozd moved on after the DCO Robinson matter without asking if other residents wanted to speak. Supervisor Drozd gave Mr. Donhauser the opportunity to address the Board:

(1) Earlier this evening the Board approved the contract for janitorial services at the Senior Center. Was this sent out to bid or a Request for Proposal? Supervisor Drozd explained that the cleaner submitted her resignation at last month's meeting and the Town needed to hire someone quickly. He made numerous phone calls and only found one interested party. The Senior Center needs to be cleaned and sanitized. Mr. Donhauser noted that it is Supervisor Drozd's job to do things correctly and this should have been bid out.

(2) Mr. Donhauser saw an employment advertisement in the Springville Journal for a part time secretary for the Supervisor's Office and wonders why Supervisor Drozd's thinks he needs ones when the Town paid the new person \$20,000 more for a position in his office and a lot of the responsibilities were taken away. Supervisor Drozd said that it is not 1978 anymore. More paperwork is required. Mr. Donhauser questioned where the funding for this position is in the budget. Supervisor Drozd noted that money can be taken out of different lines; the Town made a lot of interest money last year through the new bank account and there is also contingent money. Mr. Donhauser wanted to know if any applications had been received for this position or the Senior Center Director position. Supervisor Drozd said that this is a personnel matter and is confidential.

#### ITEM #6      COUNCIL MEMBER NOTES

a) Council Members Kassel and Zittel attended the Erie County Forest Management Plan Update Public Meeting on March 20<sup>th</sup> at Chestnut Ridge Park. Erie County and their natural resources planning team are updating and developing a Forest Management Plan for twelve county owned forest lots. Erie County is looking for input from the public for this Plan Update.

b) Council Member Krzemien advised that on May 18<sup>th</sup>, Assembly DiPietro will be coming to the Senior Center to do a Town Hall Meeting and then at 1 p.m. is the Pageant of Bands and at 2:30 p.m. will be the grand re-opening of the Community Park Pavilion.

c) Council Member Krzemien noted that the annual clean up of the Fairview Cemetery is scheduled for May 4<sup>th</sup>.

d) Council Member Zittel advised that the Chief's Council Meeting will be May 16<sup>th</sup> in Sardinia.

e) Supervisor Drozd talked with Sam Lewandowski of the Craneridge Lighting Committee and also NYSEG regarding the lights in Craneridge. NYSEG representatives are still researching; they were pulled away from this matter because of the eclipse but will get back on it next week. The annual meeting of the HOA is in June and Mr. Lewandowski would like to have details for that meeting.

f) Supervisor Drozd informed the Board that Ehmke Well Drillers will be at Community Park next week to turn the water on and test.

g) Supervisor Drozd had a telephone call with Mayor Michaels in the presence of Council Member Drake about the Control Center. Mayor Michaels will try to set up a joint meeting and hopes to have Legislator Lorigo attend. Supervisor Drozd will keep the Board updated.

h) Hwy Supt Edwards noted that he is trying to set up a Call Before U Dig class at the Town Hall on April 23<sup>rd</sup>.

i) Hwy Supt Edwards will be doing a project in Craneridge and has secured permission from Erie County to store stone on County-owned property off Crane Road to save the Town Highway Department from hauling the stone.

ITEM #7      EXECUTIVE SESSION

There was nothing for Executive Session.

ITEM #8      MOTION TO ADJOURN

Motion by Supervisor Drozd, seconded by Council Member Drake, and passed unanimously, to adjourn the meeting at 7:43 p.m. in memory of:

William G. Babcock  
Helen M. Smith  
Carl A. Wells  
Charles M. "Murray" Regan  
Jean E. Moncreiff  
David Turner  
Barbara D. Hebden  
Rev. Kevin Lee Eaton

  
\_\_\_\_\_  
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

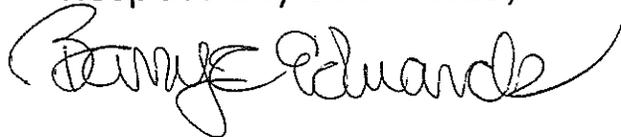
Highway Superintendents Report for the period of March 13, 2024 to April 9, 2024.

With twenty-eight days in this period the Highway Department

- Plowed and sanded ten times this period.
- Cleaned up the hedge row at East Concord cemetery.
- Took down maple tree and chipped tree at East Concord cemetery.
- Ditched Morton Road.
- Moved excavator to East Concord cemetery and dug out stump and leveled ground.
- Repaired damaged road signs.
- Removed plow and wing from Tk#19.
- Repaired exhaust on Tk#19.
- Greased the hi lift.
- Replaced plow shoes on Tk#18.
- Flipped rubber and replaced wing shoes on Tk#11.
- Replaced transmission mount on Tk#19.
- Removed plow and wing from Tk#13.

- Took Tk#13 to Viking for repairs.
- Replaced cutting edge on Tk#18.
- Flipped wing rubber on Tk#14.
- Moved summer equipment out of cold storage.
- Replaced leaking hydraulic coupler on hi lift.
- Cut Pritchard Road for replacement of cross culvert.
- Cleaned all shop floors and drains.
- Serviced Trailer #2.
- Serviced the Tamper.
- Installed AC belt and pulley on excavator.
- Washed all trucks inside and out.
- Cleaned office lunchroom and bathroom.
- Serviced and sharpen the chain saws.
- Replaced two culvert pipes on Pritchard Road.
- Hauled crusher run limestone from Woodruff Gravel.
- Started sweeping roads in the Town.

Respectfully Submitted,

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

Barry A. Edwards,  
Highway Superintendent