

TOWN OF CONCORD TOWN BOARD MEETING
7:00 p.m.

June 10, 2021

MEETING CALLED TO ORDER BY CLYDE M. DRAKE, SUPERVISOR

PRESENT: CLYDE M. DRAKE, SUPERVISOR
JAMES M. KREZMIEN, COUNCILMAN
KENNETH D. ZITTEL, COUNCILMAN
WILLIAM F. SNYDER, III, COUNCILMAN
PHILIP DROZD, COUNCILMAN

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
BRIAN F. ATTEA, Town Atty
BARRY A. EDWARDS, Hwy Supt
CAROLYN ROBINSON, Dog Control Officer

GEORGE DONHAUSER STEFAN MYCHAJLIW, County Comptroller
MAX BORSUK, Springville Journal DAN COMPITELLO, Delaware River Solar

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DRAKE

ITEM #1 APPROVAL OF MINUTES

a) Public Hearing – Solar Law – 5/13/2021 – Motion by Councilman Krezmien, seconded by Councilman Snyder, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) Town Board Meeting – 5/13/2021- Motion by Councilman Krezmien, seconded by Councilman Zittel, to approve the minutes as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #2 PUBLIC COMMENT

a) Erie County Comptroller Stefan Mychajliw addressed the Board about passing a Resolution about saving the Skyway. Earlier tonight the Town of Sardinia passed a Resolution in opposition of tearing down the Skyway especially without any kind of feasible alternative when it comes to diverting the 42,500 cars per day that travel on the Skyway. A copy of the Sardinia Resolution was provided to the members. Comptroller Mychajliw feels there is strength in numbers and that if a lot of the Southern Erie County Towns pass a resolution stating the need to save the Skyway. It does impact the residents that live in our area. The commute time would be most definitely be longer if residents had to take the Thruway when it comes to diverting 42,500 cars per day on the Thruway. It will negatively impact taxpayers especially those in the Southern towns in Erie County. He is encouraging the Town to pass a resolution stating that the Skyway should be saved and that right now is not the time to be spending hundreds of millions of dollars on a destructive project. The money should be spent in a constructive way; repairing and rebuilding. Congressman Higgins has recently said his plans are “on pause” which a good first step but Comptroller Mychajliw feels the plan needs to end. Comptroller Mychajliw would appreciate the Board’s consideration in passing this resolution whether tonight or in future.

b) Dan Compitello, Delaware River Solar, addressed the Board regarding the solar law. Delaware River Solar had proposed a project in the Town a few months’ back at the Planning Board. He wanted to make some comments on the proposed Solar Law that the Town is reviewing right now. The proposed law has some serious impacts on their project. They are a New York based company that develop, own and operate solar farms all across New York State; going right into the grid and people can elect to subscribe to the solar farm and get discounts on their monthly usage.

Mr. Compitello had two comments in the solar law: (1) is the lot coverage which is 40% of the total square footage of the entire lot and (2) the setback of 100 feet and 300 feet from adjoining non-participating property lines; 100 feet from the parcel lines or 300 feet from any dwelling. They would like to encourage the Board to reconsider either one of these; doesn't have to both but it could be both. One would help the siting and development of solar within the town given the other zoning. A copy of their site plan was provided to the members highlighting in yellow how the proposed law would affect their project. This pushes the project closer to the residential uses and further away from the adjoining agriculture use. They are asking to reduce the setbacks against agricultural properties but keep them the same for residential. What ended up happening is that on the westerly edge there would be a 110-foot strip of land that would be unusable to the landlord; can't get a tractor around on it. This area could not be farmed in the future. Mr. Compitello requested the Board not to act on the solar law tonight and to consider the comments that have been provided to the Town and Mr. Reilly. They had a couple more comments about the law in general, not specific to their project but they would like the Town to take further comment on this. They are excited to bring solar to the Town and our residents. Councilman Snyder asked Mr. Compitello to clarify what his ideal setback conditions would be? Mr. Compitello answered to keep the setbacks along adjoining agricultural lands the same as outlined in the zoning districts; as they were in the 2019 solar law. The Board thanked Mr. Compitello.

Motion by Councilman Krezmien, seconded by Councilman Zittel, to close Public Comment. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #3 MONTHLY REPORTS

Motion by Councilman Krezmien, seconded by Councilman Snyder, to approve the Monthly Reports, Items a-e. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

- a) Code Enforcement Officer – May 2021
- b) Dog Control Officer – May 2021
- c) Town Clerk Report – May 2021
- d) Van Report – May 2021
- e) Judge Gibbin – April 2021

f) Highway Report - Hwy Supt Edwards had filed his report. His report is included in the Minute Book. Hwy Supt Edwards advised that his crew just started working this week in Community Park.

Motion by Councilman Drozd, seconded by Councilman Zittel, to accept the Highway Report. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

ITEM #4 OLD BUSINESS

There was nothing for Old Business.

ITEM #5 NEW BUSINESS

a) Audit of the Bills – Supervisor Drake stated that these bills were audited by Councilman Krezmien, and reviewed by the Board.

- General Fund A, abstract 6, bills 472-534; \$36,488.49
- General Fund B, abstract 6, bills 535-539; \$23,146.25
- Library Fund, abstract 6, bills 540-541 & 546; \$501.30
- Fire Protection, abstract 6, bill 542; \$96,984.51
- Joint Van, abstract 6, bills 543-545; \$569.90
- Joint Youth, abstract 6, NONE
- Craneridge Lighting, abstract 6, NONE

Craneridge Sewer, abstract 6, bills 547-553; \$2,375.11
 Highway DA, abstract 6, bill 554; \$2,048.80
 Highway DB, abstract 6, bills 555-570; \$142,050.40
 Kissing Bridge Water, abstract 6, bills 571-572; \$150.00
 Kissing Bridge Sewer, abstract 6, bills 573-575; \$869.97
 Trevett Rd. Water, abstract 6, NONE
 Cattaraugus St. Water, abstract 6, NONE
 Trust & Agency, abstract 6, bill 576; \$835.00
 Capital (HA) Craneridge 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 Councilman Krezmien, seconded by Councilman Zittel, to approve the bills as presented. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

b) Kissing Bridge Special Use Permit – The Planning Board reviewed the Special Use Permit application at their June 1st meeting and accepted their Special Use Permit and recommended it the Town Board. Supervisor Drake would like to set the Public Hearing for Thursday, July 1, 2021 at 7 p.m. and then have a Special Town Board meeting afterwards. This will allow Kissing Bridge time to organize the event with artists and vendors. Motion by Councilman Krezmien, seconded by Councilman Drozd, to set the Kissing Bridge Special Use Permit Public Hearing for July 1, 2021 at 7 p.m. with a Special Town Board meeting to follow. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

c) Compensation Alliance Plan Document – The members had been provided with a copy of the New York State Municipal Workers Compensation Alliance Plan Document. To proceed with Comp Alliance, resolutions need to be adopted by the Board.

Councilman Snyder, moved the adoption of Resolution 3, seconded by Councilman Zittel:

WHEREAS, there has been proposed a “New York State Municipal Workers’ Compensation Alliance Plan Document” pursuant to Section 50 3-a of the Workers’ Compensation Law (hereinafter “the Plan”); and

WHEREAS, the Town of Concord is eligible for membership in the Plan;
and

WHEREAS, the Town of Concord has made an independent investigation of the Plan and reviewed the Plan document, and has concluded that it would be in the interests of the Town of Concord to participate therein;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Concord enter into membership in the Plan pursuant to Section 50 Subdivision 3-a of the Workers’ Compensation Law; and

BE IT FURTHER RESOLVED, that Supervisor Clyde M. Drake be and hereby is authorized and instructed to execute the Plan’s charter document on behalf of the Town of Concord; and

BE IT FURTHER RESOLVED, that the custody of all joint Plan moneys by the Plan Administrator under the Plan be and the same hereby is approved.

Voting as follows:

Councilman Drozd	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Drake	Aye

The foregoing Resolution was thereupon declared duly adopted.

Councilman Krezmien moved the adoption of Resolution 4, seconded by Councilman Drozd:

EXTRACT OF MINUTES

The following is an exact copy of the portion of the Minutes of the Town of Concord meeting dated June 10, 2021.

WORKERS' COMPENSATION – SELF INSURANCE

A Motion was made by Councilman Krezmien, and seconded by Councilman Drozd, to adopt the following resolution:

RESOLVED, that the Town of Concord hereby elects, pursuant to Subdivision 3-a of Section 50 of the Workers' Compensation Law, to become a self-insurer as to Workers' Compensation claims against this Municipality; and

BE IT FURTHER RESOLVED, that pursuant to Section 50 Subdivision 3-a of said Workers' Compensation Law, notice of such election shall be filed forthwith with the Chairman of the Workers' Compensation Board, Self-Insurance Section; and

BE IT FURTHER RESOLVED, that this election shall become effective on June 1, 2021.

Voting as follows:

Councilman Drozd	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Drake	Aye

The foregoing Resolution was thereupon declared duly adopted.

d) MDA Agreement – Senior Center Parking Lot – The Town received a Community Development Block Grant in the amount of \$60,000 to pay the Senior Center parking lot. The Board felt the Town needed the guidance of MDA Consulting Engineers to put together the contract documents for the project. MDA Engineers have agreed to work with the Town on this project on Design Services for \$2,000; Bidding Services for \$1,500 and General Services During Construction for \$1,000 for a total fee of \$4,500. This fee could have been higher but MDA Consulting Engineers has the original drawings from the Senior Center. Incorporated in the project will be language that the Town can choose whether the Town will remove existing material in the small truck access drive and parking lot as well as place and compact the graver material in order to save money. The documents will give the Town some flexibility. Motion by Councilman Drozd, seconded by Councilman Krezmien, to accept MDA Consulting Engineers' proposal to help the Town with the Senior Center Parking Lot Improvements

as stipulated in their proposal and authorize Supervisor Drake to sign the agreement. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried.

e) School Tax Collection Agreement – Supervisor Drake advised that for the last three years the Town has been collecting the school taxes for Springville Griffith Institute. The school would like to renew that agreement for another four years. The proposal is a 1.75% increase over the next four years. Supervisor Drake discussed this with Town Clerk Schweikert and Deputy Town Clerk Bacon who collect the taxes and they are willing to do it again for another four years and the school couldn't be happier. Motion by Councilman Zittel, seconded by Councilman Krezmien, to renew the agreement with Springville Griffith Institute to collect school taxes for another four years. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried. Supervisor Drake will notify School Business Administrator Lee to have the agreement drawn up for signing.

Supervisor Drake asked the Board for a motion to change the agenda to show (f) as the Negative Declaration Resolution, the Solar Law (g) and then add (h) Insurance Recoveries. Motion by Councilman Drozd, seconded by Councilman Zittel, to change the agenda as above noted. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried

f) Negative Declaration – The members had received a copy of the Negative Declaration. There are three parts to this Full Environmental Assessment Form, Part 1, 2 and 3, which have been completed by Wendel Companies.

Councilman Snyder moved the adoption of Resolution 5, seconded by Councilman Zittel:

WHEREAS, the Concord Town Code contains and specifies the local laws and ordinances of the Town of Concord; and

WHEREAS, the Town of Concord has observed that the Concord local law that regulates the siting of solar energy systems in the Town is outdated and does not address the issues in the Concord Comprehensive Plan; and

WHEREAS, the Town, through a Solar Committee and the Town's consultant, has drafter an updated Solar Energy System Law and that draft law was presented to the Town Board; and

WHEREAS, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conversation Law, the Concord Town Board has conducted a coordinated environmental review of these Code revisions and has established itself as SEQR Lead Agency and has received no objections to acting as Lead Agency; and

WHEREAS, a public hearing was held regarding these Code amendments and comments were received from the Public, the Town Planning Board, Town Attorney and the Erie County Planning referral was completed; and

WHEREAS, pursuant to Municipal Home Rule, the Town Board is proposing to adopt these revisions by enacting text amendments to the Code of the Town of Concord.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

The Concord Town Board, in accordance with the State Environmental Quality Review ACT (SEQRA) has determined that the proposed amendments to the Town Code (see attached copies) of the Town of Concord Code of Ordinances, will not adversely affect the natural resources of the State and/or the health, safety, and welfare of the public and is consistent with the social and economic considerations and, therefore,

issues a SEQRA Negative Declaration in accordance with Section 617.7 of the SEQRA regulations; and

BE IT FURTHER RESOLVED THAT, the Supervisor is authorized to sign the Full Environmental Assessment Form (FEAF Parts 1, 2 & 3), which will act as the Negative Declaration, and that he required notifications be completed.

Voting as follows:

Councilman Drozd	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Drake	Aye

The foregoing Resolution was thereupon declared duly adopted.

(g) Solar Law – Supervisor Drake commented that the Town met with Andrew Reilly, Wendel Companies, several times during this process; Planning Board members, Town Board members, representatives from Erie County were on telephone calls with the Town and wanted to advise that this law was not target any specific projects. This was the plan put together to try to protect all residents of the Town of Concord. When the Town held the Public Hearing, nobody was in attendance. Daniel Compitello, Delaware River Solar, was here tonight but his comments were really not new comments; they had trouble with the 40% when they came to the Planning Board meeting. He disagreed whether the fence is part of the solar equipment or not. It was put into the Law that they are and that is what makes the 40% difficult for his particular project. With regard to the 100-foot boundary, Supervisor Drake discussed that with Mr. Reilly, Wendel Companies, this afternoon and Mr. Reilly said that this is on the small end of that end. Mr. Reilly was sure that that amount was a reasonable amount. Supervisor Drake welcomed the Board’s comments. There was a lot of work put into this law and the next step is to take on the Comprehensive Plan.

Town Atty Attea advised that the Town has been in consultation with Mr. Reilly on this law; Town Atty Attea has reviewed the draft laws numerous times. Wendel Companies took the lead on the law with their considerable experience.

Councilman Snyder moved the adoption of Resolution 6, seconded by Councilman Zittel:

RESOLUTION OF THE TOWN BOARD ADOPTING LOCAL NO. 1 of 2021 REGULATING SOLAR ENERGY SYSTEMS

WHEREAS, the Town Board of the Town of Concord has determined that the Concord Zoning Law related to Solar Energy Systems is outdated, inadequate and fails to address the issues of the Concord Comprehensive Plan or its recent update, and

WHEREAS, the Town Board, through a Solar Committee, the Town’s consultant and Town Attorney, has prepared an updated Solar Energy Systems Law, identified as Town of Concord Local Law No. 1 of 2021, amending the Town of Concord Zoning Ordinance, and

WHEREAS, a public hearing was duly held on May 13, 2021, receiving the comments of the public and all other interested parties; and

WHEREAS, the prepared Local Law No 1 of 2021 was duly referred to Erie County in accordance with New York State GML Section 239-m with the prepared Local Law No. 1 of 2021 being duly approved; and

WHEREAS, the Town of Concord Town Board, acting as SEQR Lead Agency, has issued a SEQR Negative Declaration; and

WHEREAS, pursuant to Municipal Home Rule Law, the Town Board proposes the adoption of Local Law No. 1 of 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Concord Town Board hereby adopts Local Law No. 1 of 2021, amending the Town of Concord Zoning Ordinance, as presented therein, and providing for the regulation of Solar Energy Systems within the Town of Concord.

Voting as follows:

Councilman Drozd	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Drake	Aye

The foregoing Resolution was thereupon declared duly adopted.

Councilman Snyder noted that the 100-foot setback was not intended as a preservation of farmland; it is meant as a buffer between the solar project and the neighboring parcel. The law does state that "for participating properties with proposed solar panels, the setback from a property line is not required.

(h) Insurance Recoveries – Supervisor Drake advised that there had been an automobile accident in Craneridge. The Town received a check from the insurance company in the amount of \$4,877.68. Drescher & Malecki noted that a motion is required because it is money that was not in the budget.

Councilman Drozd moved the adoption of Resolution 7, seconded by Councilman Snyder:

WHEREAS, the Town has incurred additional costs for damages that were reimbursed by insurance proceeds; and

WHEREAS, the Town has received the proceeds that were not included in the 2021 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the amending of the 2021 adopted budget to authorize additional appropriations and estimated revenues in the amount of \$4,877.68.

Increase Appropriations:

Account Number	Account Description	Dollar Amount
DB5110.49	General Repairs Town Highways	\$4,877.68

Increase Estimated Revenues:

Account Number	Account Description	Dollar Amount
DB2680	Insurance Recovery	\$4,877.68

Voting as follows:

Councilman Drozd	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Drake	Aye

The foregoing Resolution was thereupon declared duly adopted

ITEM #6 EXECUTIVE SESSION

There was nothing for Executive Session.

ITEM #7 CONSENT AGENDA

There was nothing for Consent Agenda.

ITEM #8 COUNCILMAN NOTES

a) Councilman Drozd discussed earlier this evening in Work Session that the Center for the Arts approached Librarian Morris to ask permission to put a mural on the shed owned by the Town facing the parking lot at the Hulbert Library. Librarian Morris is asking for the Town's approval. Councilman Drozd would like to wait until a prototype of the design to be put on the shed before the Board makes any approval. Councilman Drozd will bring this back to the Board next month.

b) Councilman Drozd advised that the Springville Fire Company will be having their summer event: car show, craft show with a band. It will be open to the public for free. The event will be held July 18, 2021 at the Firemen's grounds.

c) Councilman Zittel noted that the East Concord Fire Department has made the decision to cancel pull due to the large event procedures that would need to be met.

d) Councilman Zittel advised that the Boston Fire Company will be having a Pork Tenderloin BBQ on Sunday, June 13th starting at 11 a.m. He would highly recommend this as the last one was very good!

e) Councilman Snyder asked Supervisor Drake if the Board would be deciding on the Skyway Bridge Resolution tonight. Supervisor Drake advised the members that it was up to them; it could be done tonight or put on next month's Agenda. Councilmen Drozd would like to adopt the resolution tonight using the Town of Sardinia's Resolution as a template just substituting Town of Concord in place of Town of Sardinia. Councilman Snyder would like to modify the resolution to state at the end that the Town would like to see further studies of the issue with community input and potentially developing an alternate route.

Supervisor Drake asked for a motion to add (i) Skyway Resolution to the Agenda under (5) New Business. Motion by Councilman Krezmien, seconded by Councilman Snyder, to add (i) Skyway Resolution to the agenda as above noted. Councilmen Krezmien, Zittel, Snyder & Drozd; Supervisor Drake, voting aye. Carried

ITEM #5 NEW BUSINESS:

- (i) Skyway Resolution -

Councilman Snyder moved the adoption of Resolution 8, seconded by Councilman Drozd:

WHEREAS, the Town of Concord, is a thriving rural community engaged in initiatives targeting revitalization, economics, and supporting our neighboring towns, including all of Erie County, and

WHEREAS, given the Town of Concord is located in the southern tier of Erie County, and

WHEREAS, this makes the City of Buffalo, Route 5 and Skyway a vital part of living in the Southtowns, and

WHEREAS, many residents enjoy the opportunity to live in the "country" and have the option of working downtown. Having an efficient transportation route and

connectivity to the City of Buffalo and points beyond is essential to ongoing revitalization efforts, economics, availability of direct routes, and

WHEREAS, removal of the Skyway Bridge or restricting vehicle traffic from the bridge would result in significant hardships for the residents and businesses of all Southtown towns and villages, thus creating a hardship on commuters, and

NOW, THEREFORE, BE IT RESOLVED, that the Concord Town Board affirms the Skyway Bridge as essential to the community for commerce, revitalization, access to employment, public safety, and efficient travel to points north, and opposes its removal or restrictions to vehicle use without further study of the issue with community input and potentially developing an alternate route.

Voting as follows:

Councilman Drozd	Aye
Councilman Krezmien	Aye
Councilman Snyder	Aye
Councilman Zittel	Aye
Supervisor Drake	Aye

The foregoing Resolution was thereupon declared duly adopted.

f) Supervisor Drake reminded the Board that last Fall, the Town worked with FEMA on a Hazardous Mitigation study. There had been no activity for six months but now by June 16th they want a worksheet of what the Town thinks needs to be in Concord. Disaster Coordinator Willibey said the Town should focus on roads, more generators to keep the Town Hall operating if something would happen; Craneridge Sewer, Kissing Bridge Sewer, lift pumps. Supervisor Drake will work to get this worksheet in before June 16th and will keep the Board informed.

ITEM #9 MOTION TO ADJOURN

Motion by Councilman Drozd, seconded by Councilman Zittel, and passed unanimously, to adjourn the meeting at 7:53 p.m. in memory of:

Jay E. Bicknell
 June B. Barr
 Nadine Neamon
 Carol M. Fleckenstein
 John E. Sisson



 Darlene G. Schweikert
 Town Clerk

