

TOWN OF CONCORD TOWN BOARD MEETING July 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
 KENNETH KASSEL, COUNCIL MEMBER

EXCUSED: KIMBERLY S. KRZEMIEN, COUNCIL MEMBER

ALSO PRESENT: DARLENE G. SCHWEIKERT, Town Clerk
 BRIAN F. ATTEA, Town Attorney

GEORGE DONHAUSER	MARY BRUMMER
GARY KOEPPPEL	ALISSA & ED GLEASON
MARG FALLON	JOHN & SUSAN NESSELBUSH
CORY BOWEN	SAM LEWANDOSKI
MARY CAROL DEARING	GWEN & MITCHELL ALEGRE
ED & JAYNE KNIERIM	CAROL HOCH
MARK MOLNAR	BERNADINE GRONOWSKI
ERIC WILLIAMS	CHERYL AARON
PAM ADANTI	KAREN GEELAN
JAMES TARAVELLA	PETER SORGI

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER DRAKE

ITEM #1 DRESCHER & MALECKI, CPA TO ADDRESS THE BOARD

Supervisor Drozd advised that Drescher & Malecki would not be in attendance tonight but will be meeting with the Board at a different date to review the Town audit.

ITEM #2 CONSENT AGENDA

- a) Approval of Minutes:
- (1) Work Session – 6/13/2024
 - (2) Public Hearing RIC Energy Special Use Permit – 6/13/2024
 - (3) Public Hearing Buffalo Flex Business Park Rezoning – 6/13/2024
 - (4) Public Hearing Wittmeyer Special Use Permit Zoar Moto – 6/13/2024
 - (5) Town Board Meeting – 6/13/2024
 - (6) Special Town Board Meeting – 6/27/2024

Motion by Council Member Drake, seconded by Council Member Kassel, to approve Consent Agenda, Items 1-6. Council Members Drake, Zittel & Kassel; Supervisor Drozd, voting aye; Council Member Krzemien, excused. Carried.

- b) Monthly Reports:
- (1) Code Enforcement Report – June 2024
 - (2) Dog Control Officer Report – June 2024
 - (3) Town Clerk Report – June 2024
 - (4) Judge Frank – May & June 2024
 - (5) Assessor's Report – June 2024
 - (6) Senior Center Report – June 2024
 - (7) Historian Report

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

Motion by Council Member Drake, seconded by Council Member Zittel, to add Item (8) Supervisor Report – December 2023 and (9) Judge Gibbin – May & June 2024, to tonight's Agenda. Council Members Drake, Zittel & Kassel; Supervisor Drozd, voting aye; Council Member Krzemien, excused. Carried.

- (8) Supervisor Report – December 2023
- (9) Judge Gibbin – May & June 2024

Motion by Council Member Drake, seconded by Council Member Kassel, to approve Consent Agenda, Items 8-9. Council Members Drake, Zittel & Kassel; Supervisor Drozd, voting aye; Council Member Krzemien, excused. Carried.

ITEM #3 RESIDENT CONCERNS

Supervisor Drozd opened the floor for Public Comment:

a) Erie Cattaraugus Rail Trail (ECRT) – Mary Brummer, President of ECRT, addressed the Board. She is here to request the Board pass a Resolution in support of the project that has been approved for funding by NYS and also matched by the Wilson Foundation to do two things: to evaluate and design the structural integrity of the Cascade Bridge over Cattaraugus Creek and to resurface 1.5 miles of trail just north of Cattaraugus Creek. There are some adjacent landowners along that area of trail and ECRT has communicated, or has tried to communicate with all of them; they did reach all but one. There has been communication that they plan to work cooperatively in developing that trail. ECRT thinks that this is great for the community and would ask for the Town's support in making this come to be. The plan is that the trail is going to be open and used. The funding is really going to be something that is going to allow the ECRT to provide the privacy, security of safety mechanisms that ECRT is hoping to add to the trail. Mary Carol Dearing wanted to add comments. She understands that the Board is being asked to pass a new Resolution to support the ECRT Project as required by NYS to include the change of scope for the construction of 1.5 miles of trail south of Waverly Street. This is in addition to the Cascade Bridge evaluation and design project already proposed. She is speaking not only as a Town of Concord resident but also as a founding member of Grow with Springville; a volunteer collaborative whose focus is on advocating for and implementing future focus policies and projects that enhance the vibrancy of our downtown, support our natural environment and promote quality of life in our community and the surrounding area. The eventual completion of the ECRT, including the ultimate renovation and opening of the Cascade Bridge meets every category of their mission. At their augural launch and listen event in late 2023, participants repeatedly mentioned their desire for expanding and enhancing outdoor spaces, parks, community gardens, and bike paths in and around Springville. Residents want to see increased partnership between the Village of Springville and the Town of Concord with other community organizations such as the ECRT. Connecting and establishing such partnerships can only help to move our community forward. Passing this Resolution is an opportunity for the Town of Concord to do just that. She thanked the Board. Council Member Zittel noted that there is one person that ECRT is having trouble getting a hold of but he has not seen confirmation from the Country Club. Has there been confirmation from the Country Club? Mrs. Brummer said it was included in the packet the Board members received; there were emails back and forth. ECRT met with the Board of the Country Club in February and they expressed some concern about privacy and security. ECRT set up a statement pledging to work with the Country Club and Mike Schoell, the President of the Country Club, said it looked good but he had a couple of edits. ECRT did work with them and had lots of communications. Nothing is final because ECRT still has to get the engineering study and work together to tell how ECRT will exactly achieve privacy, security and safety. Mrs. Brummer noted that Supervisor Drozd instructed her that ECRT had to communicate with these people and make sure that there was cooperation and she thinks they achieved that in all cases.

Council Member Zittel noted that if it were a straight through trail, it would not be so bad but it stops. That is a problem. Mrs. Brummer said for now, but eventually it will be 27 miles long; building it in sections as funding becomes available. It stops right over the bridge in Ashford. The ECRT is 27 miles of the Southern Tier Trail which is an 85-mile loop that actually is planning to go through West Valley Demonstration Plant or along West Valley. Council Member Zittel said that there would be an alternate route then. Gary Koeppel, Vice President of the ECRT, advised that the ECRT parallels Orchard Park Country Club for a couple of miles and ECRT meets with them once or twice a year. The last meeting held, ECRT was going to put up some trees but the Country Club decided they didn't want ECRT to do that. ECRT co-exists with that Country Club very well and there have been no complaints at all. Mrs. Brummer said that the people of the Orchard Park Country Club said it just right when they said they really want to make sure that you can enjoy your activity and we can enjoy ours; and work together to do that. This was what was proposed to Springville Country Club as well. Town Atty Attea noted that Mike Schoell had reached out to him and will confirm that Mrs. Brummer has had discussions with the Board at the Country Club. Full disclosure Town Atty Attea is a member and sometimes serves as legal counsel for the Country Club and has served on their Board before; actually, when the ECRT first started. Town Atty Attea said that he can share with them and the ECRT can confirm with the Country Club, that the Country Club wants very much to cooperate for all the wonderful things that the ECRT is trying to accomplish on a recreational level. The concern of the Country Club which distinguishes themselves from the Orchard Park Country Club is that they look at this as a logical, two-step process, that they are very much in favor of the study to determine if ECRT can get the funding necessary to provide the safety features to get over the gorge through that railroad bridge but there are significant concerns that distinguish them from the Orchard Park Country Club; even if it is resurfaced, the terminus for that, until you can cross over, would be essentially at their 15th tee. with a number of potential on and off points along that entire expanse, it becomes a potential, attractive nuisance with people maybe trying to get out on the bridge or trying to get a better view of the bridge from the Country Club property during all seasons when there might not be as much activity. The potential safety concerns and liability concerns; the potential damage to the Club's property which could be very significant in a short period of time from snowmobiles, ATVs or any other vehicles. This is a concern that Town Atty Attea believes has already been shared with ECRT. That is the biggest problem and distinguishing factor, if all the traffic is stopping at the foot of the bridge that is essentially the back corner of the Country Club property and is maybe 15 yards from the 15th tee. He believes that the Country Club shares the spirit of cooperation and an understanding that they would want the people who have the ability to enjoy the trail on different parts of the expanse to be able to do that but it is a very unique situation. The Country Club has seen individuals, before there was a lot more activity, there was a paved section of the path, trying to get out on the bridge on a regular basis to get a better view or Instagram shot. It leads to some potential practical concerns. Mrs. Brummer said that ECRT understands that and it was made quite clear at the meeting; the ECRT view of that is very understandable and ECRT would like to address it and being able to move forward and have the funding to actually do some good design there where the ECRT can get proper security measures and proper safety measures and monitoring measures would be to everyone's advantage. Town Atty Attea advised that the sense he got, and he can't speak for the Board of the Country Club, is that they are 110% behind the funding for the study for the bridge; there might still be some concerns that the ECRT will need to address with Mike Schoell and the Board of the Country Club regarding the paving portion of the project because if that is going to lead to a significant increase in traffic, it might exasperate their concerns. He would suggest that ECRT reach back out to the Country Club. Mrs. Brummer noted that for the record she has reached out several times and Mr. Schoell is a busy person. Town Atty Attea volunteered that if the ECRT would like to reach out to him, he might be able to set up a meeting or a conversation. Mrs. Brummer said that ECRT is very willing to cooperate and be good neighbors to make sure that everyone is happy. Town Atty Attea advised that the Country Club feels the same; but from the conversations he had with them, those were some of the points they had that were still open items. Mr. Koeppel thought that a working session would be good if ECRT sat down with the Country Club if they talked about fences near that public parking area and the old 219. ECRT has cameras; about 12 cameras on the trail that are monitored every day. Town Atty Attea said that that might be enlightening to the Country Club. Supervisor Drozd informed the

Board that he had received a telephone call from Angela Shaver, Root 39, and she is very much in favor of this project. Supervisor Drozd asked Mrs. Brummer to get back to the Country Club and see if that can be straightened out. Mrs. Brummer will work with Town Atty Attea. Supervisor Drozd noted that the Board is favor of having ECRT come back. Council Member Drake stated that he thinks ECRT should also try to work with the Felton family. Mrs. Brummer asked for the Town's suggestion on that; does the Town want her to go to the assisted living facility to ask her personally? Council Member Drake said no, but he is sure that her daughter Laura is probably taking care of the affairs. Mrs. Brummer noted that when she calls Laura, she doesn't answer and when she writes her, she doesn't respond. Council Member Drake believes that the law is that silence is not considered acceptance. Town Atty Attea confirmed that it is not, but whether they need that or not, if they are making best reasonable efforts. It obviously helps immensely if ECRT can check every box in terms of adjoining landowners; he cannot speak as to whether it is appropriate to visit her in the facility or not. If the daughter is not willing to cooperate and ECRT has your proof as to your good faith efforts to make those efforts. Council Member Drake questioned how much Felton land is affected; Mrs. Brummer noted that it is the part that borders Cattaraugus Creek, just north of the bridge. Supervisor Drozd noted that Felton owns both sides of Mill Street. Mrs. Brummer would like to know her instructions. Town Atty Attea advised that the Board is not in a position to advise or provide any legal advice as to how to approach that; to the extent that it would be a benefit to show that ECRT has the consent of every landowner but ECRT doesn't essentially need it; it would just make for a more compelling argument for the Board to approve the resolution. If the best that ECRT can do is to be able provide evidence as to the good faith efforts ECRT made to communicate with her, then that may be the best that ECRT can do. Mrs. Brummer advised that there have been two letters and a phone call with no response. Council Member Drake advised that Mrs. Felton also has two sons, not sure where they live; Mrs. Brummer only found Laura and did not locate any sons.

b) Craneridge Lighting Committee – Sam Lewandowski introduced himself and Cory Bowen, another member of the committee, to the Board and they are here representing the Craneridge Lighting Committee. For the past two years, the committee has been working with the Town to come up with a resolution to the failing gas lights in Craneridge. Mr. Lewandowski had 142 signatures on a petition that say that they are not in favor of the cobra lights that NYSEG is proposing. That is roughly 60% of the residents in Craneridge that are not in favor of the big overhead cobra lights. The committee currently has two bids in place to put in the demo lights that are along Deer Run and Meadow; there would be at the 12 intersections roughly putting out the same lumen output that they are now. They are here to say that as a collective group in Craneridge are not in favor of what NYSEG has proposed for the cobra lights and that they are working on their own projects to get adequate lighting at each of the intersections. These lights would be off of the Town right of way along with the electric conduit, meter posts; they would be on HOA owned land. Mr. Lewandowski stated that he was just there to provide the Board with an update as to where the committee was now; eventually the HOA would be needing a memorandum of understanding that both parties would sign that said once the HOA has their lights in, that the Town is not going to go back in and put lights over theirs. This does not need to be now but once the HOA gets the project rolling on their project, there will need to be some sort of agreement that will need to be drawn up and signed. Craneridge will be 100% responsible for the maintenance of the lights, pay all the associated fees with running the lights and meter bills. Mr. Lewandowski said that the one question the committee had was the funds that are in the Town's Lighting District fund now, what are the plans for those funds? Where are they going to go? Supervisor Drozd stated that the Town would have to pay the final bills. The Town is hoping to get this done this year; National Fuel gave the Town the one-year project for the removal of the current lights. This is being done currently; Hwy Supt Edwards is the point person on that project. If there is any damage in the right of way, that is something the highway department will need to do so he is watching the project. Supervisor Drozd knows National Fuel is moving along but he doesn't know the completion numbers at this time. The shoulders will be touched up where needed when the project is done. Mr. Lewandowski asked if the funds that are in the account are for any remediation that needs to be done? Supervisor Drozd said yes, the Town will wait for all the bills to come in and get paid. There is not a big surplus in that fund;

approximately \$25,000-\$27,000. Mr. Lewandowski questioned what would happen with the over and under of any remediation costs? Say it's \$32,000; is that an extra bill that Craneridge will need to pay for the remediation and then visa-versa if it's under? Supervisor Drozd noted that the Lighting District will be abolished so the residents won't be taxed on that anymore. In this opinion, since that is in the public right of way and serviced by the highway department budget, any extra money would have to come out of the highway budget. Mr. Lewandowski asked about a surplus if the project comes in under? Supervisor Drozd said he does not think the Town can give the money back to the HOA. Supervisor Drozd said he will reach out to NYS Audit and Control to find out that answer. Mr. Lewandowski said that in his mind, if the Lighting District is supplied by the taxes set aside by the Craneridge residents, it should be going back to the Craneridge residents. Supervisor Drozd will confirm with NYS; the Town will have to follow what NYS says because the Town is abolishing that Lighting District; not combining it. Mr. Lewandowski asked Supervisor Drozd to let him know what he finds out from NYS. Mr. Lewandowski advised that the committee would like to set up another meeting with the Town; it doesn't have to be at a Town Board meeting. It can be a one-on-one meeting. Council Member Zittel asked Town Atty Attea if, since these are Town-owned roads, is the Town responsible to have the intersections lit by the Town? or can the HOA supply the lights for those intersections? Town Atty Attea noted that the HOA can provide whatever lighting they want to have but the Town is still going to have to some measure of responsibility for making sure that the roads; no difference from the maintenance of the roads; it is a Town road. Council Member Zittel asked if the lights should be on the Town right of way, then? Supervisor Drozd said no, Craneridge is going to take control over it. Town Atty Attea advised that the Town would have the right to do what they need to do within their right of way to supplement or provide lighting. It would be completely exclusive or in addition to what Craneridge would like to do. Council Member Zittel noted that Craneridge doesn't want ours; Town Atty Attea stated that that is something that will need to be discussed. Supervisor Drozd would like to see what the committee comes up with; the lumens. Town Atty Attea said that the Town will need to determine if the lighting the HOA is going to provide will meet certain basic standard requirements. Mr. Lewandowski noted that at the next meeting the Town can go over what exactly the Town will require of the committee to satisfy the Town's legal needs and the HOA can go on from there. Supervisor Drozd stated that he has spent a lot of time on this project; NYSEG was looking at all intersections (like in the 40s and 50s) and got it down to 8 intersections that are considered main intersections. Supervisor Drozd is working with NYSEG to see what it will cost the Town to get these 8 put up and that cost would come out of that Lighting District fund; he is willing to see what the committee wants to do if it's on their right of way. The lumens on the proposed 8 lights were 6,700. In the Town, the bulk of our lights out there are between 14,424 and 24,700 lumens. At 6,700 it would not put out a big glow; is the Town going to put them up, we don't know at this point. The Town does not know what that cost will be; he has been trying to get that information from NYSEG. The committee's plan is to do 12; includes the roundabouts. Supervisor Drozd believes that there is not a standard for lighting; that it is up to the municipality. Mr. Lewandowski said he had called NYS DOT and was given that same answer. Council Member Zittel noted that the Town doesn't want to see someone end up on the pond again. Mr. Lewandowski noted that this can be discussed at the next meeting; if the Town wants to put one light there and at the main intersection and then move on; the committee has the map where they would put the 8 lights. Supervisor Drozd noted that the Town would like to keep the area lit especially by the pool where kids are walking; to make sure that everything is safe up there. Supervisor Drozd will reach out to NYSEG to get all the costs so that the Town can have that information for the next meeting with the committee. Mr. Lewandowski thanked the Board.

c) Townsend Road Residents – Ed Knierim addressed the Board. Mr. Knierim has lived on Townsend Road for 32 years. Mr. Knierim had provided the Town with a packet containing his July 8, 2024 letter as well as a petition signed by 39 residents on Townsend Road and all of his records dating back to 1997 when he first voiced his concerns about the road. The frustration over the years has been incredible. This is the fourth time he has brought these issues to the Board; 27 years of writing letters about some of the issues concerning the intersections (north and south), the speed limit and the trucks. The jack-knife turns are a thing of the past; sweeping angles, they have to go.

There is traffic coming off of Genesee Road at 55 mph or more slowing down maybe to 35 or 40 mph taking that turn. School buses cannot pull out of Townsend Road or Transit Line with the time that they have with the cars coming over that hill. It is impossible for the school bus to come up Genesee Road and make a left onto Townsend without clearing the traffic. At the other end, when the school bus wants to make a left onto Townsend Road from Springville-Boston Road, the bus driver waits for the oncoming traffic but if people want to make a left turn there; it's a stalemate there. In 1999 the widening of the road was approved; resurfacing the road-tar and stone. Since that point, there has been a lot more traffic. A traffic study was conducted. Out of the 450 cars, the average speed limit was 53.5 mph. Mr. Knierim said he questioned authorities at that time and the response was "how would you like to get a ticket for going 5 miles over the speed limit?" At that time, there were 13 houses on the road. Now there are over 32. Now he sees a construction site at the base of the hill so what will that do to traffic at the intersection? All hours of the night possibly? Passing on the blind hills. There are a lot of tractors on the road and they back up cars, people start passing; they don't care if there is oncoming traffic. People pull off on the grass waiting for them to get done passing. Mr. Knierim stated that the three things that the residents are looking for are to change those intersections: (1) to put a request in to have those intersections looked at. There is too much traffic on Townsend Road to have the intersections like that; you cannot make a right or left turn safely on these intersections; without looking out the back window of your car to see if traffic is coming to get on Springville-Boston Road. It is impossible especially in the Winter time to make a right turn off of Townsend on to Genesee Road. Snowplows sweep a mountain of snow as they come out of there. You have to right into the on coming lane if you are going to a right. Try making a left turn onto Springville-Boston Road off of Townsend. It is virtually impossible. (2) to resubmit the weight limit signs. He doesn't know what happened there but they have waited five months since they were taken down. He is asking that the Town be pro-active and get that going. (3) there needs to be a speed reduction. 45 mph-people are going 55-60 mph there all the time. There are blind driveways. Mr. Knierim invited his neighbors to come up and give their horror stories. Mr. Knierim said he is upset about this; he has been dealing with this for 27 years; Supervisor Drozd said he has been right there by his side the whole time. Mr. Knierim said it is at least once a week that he is getting the finger, getting passed, it's really ridiculous. Don't try mowing your lawn alongside the road; and the garbage, the littering.

John Nesselbush addressed the Board. He is a neighbor of Knierim and appreciates the Board listening to the residents tonight. He is in full support of what Mr. Knierim's measures are and what they are trying to do with Townsend Road; slowing people down; maybe changing some of the intersections and getting some of the traffic off the road; tractor trailers and stuff like that. He said his daughter and granddaughter were hit making the left onto Townsend Road from Genesee Road by a distracted driver and how that car crashed as it was making the wide turn. Today as he was traveling from Genesee Road and put his directional on between Knierim and his house, he was passed on the left-hand side. He was in the military and used to put flags up on the street but he doesn't do that anymore; his wife was almost clipped by a vehicle's mirror. Mr. Nesselbush asked for the Board's attention to these concerns. He does not think commerce would be hurt by slowing traffic down or moving some of the heavier loads off of Townsend Road.

Pam Adanti addressed the Board. She lives right at the bottom of the hill on Townsend Road, 600 feet from Springville-Boston Road, can't pass, coming off Springville-Boston Road and trying to make a left into her driveway and people are trying to pass her while she has her turn signal on to turn into her driveway. These cars are going faster than 45 mph. She would like signs on the road indicating that there are driveways there.

Cheryl Aaron addressed the Board. She has been a resident on Townsend Road for three years now and lives at the second house from the corner. When cars come around that corner, she can hear it at her house. The squealing tires, leaving rubber and then flying down the hill. She is one of those blind driveways and has to inch up to get out of her driveway because she can't see what's coming in either direction and if they are coming, they are coming so fast that you have no chance of not getting hit. It is very

scary. She would really love to have the speed limit slowed down like her neighbors have said. There are children, grandchildren, pets. It has gotten worse in the three years since she moved here. Ms. Aaron thanked the Board for their time and consideration.

Ed Gleason addressed the Board. He lives on Springville-Boston Road where Townsend Road comes out. Nobody sees that stop sign. Coming out of his driveway to come to the Village, you really need to watch. The cars come down the hill, full speed, 50 mph. There is also a ditch pipe that goes under Springville-Boston Road that plugs up and when this happens it floods the King house. A few years ago, the ditch was cleaned out and it flooded out his house and Marg's house (Fallon). Mr. Gleason noted that since that happened, he had a friend bring his bulldozer over and run a swive down the length of his property so that when that water does come across there, it can run down and back and now go into the basement. If that road can be turned, it would be better for drainage. Another thing: going the other direction coming home, he went to turn into his driveway and a girl was coming up Springville-Boston Road going too fast and thinking he was going to turn up Townsend Road and when he tried to turn into his driveway, she sideswiped him and ended up into his yard.

Marg Fallon addressed the Board. She lives at the base of Townsend Road. The speed limit on curve when her children were in school was reduced to 45. Why was it increased to 55? And their driveway is right there, those weeds get so high that they need to inch up to get out. She also described the water pipe issue and asked what the Town was going to construct there. Supervisor Drozd advised that the Town cannot construct anything there; that is Erie County. The Town can ask Erie County to look into that T-intersection. The County is doing some of those now; Wheeler Hollow was done and the Town was notified that Spaulding Road is going to be done. He said in the old days, the County used to go all the way down one road and mark that road off the books that everything was taken care. Whether Erie County is going to go there or not is not up to the Town but the Town can write a letter to Erie County and ask them. Council Member Zittel said his driveway is 100 feet from the intersection and has had three trucks hit there; people pass you; the speed limit doesn't seem to matter. Mrs. Fallon recalled past accidents near her home over the years and drainage. Supervisor Drozd assured the residents that he will write a letter to the Bill Geary, Commissioner of Public Works, and ask him if Townsend is on their list. He also has the County's five-year road plan so he will look through that to see if Townsend is on the list. Mrs. Fallon also discussed her mailbox location and was advised to speak to the Post Office. Mrs. Fallon was also concerned about the grass going to the creek by the guiderail. Who is responsible for this? Supervisor Drozd said that Erie County is, Pat Baskerville District Engineer, phone is 592-9346 to address the maintenance items. Mrs. Fallon continued that cars just go through that stop sign. An identified resident said that when she walks her dogs at night, she puts her flashlight on the sign so the cars see it; because they don't. Council Member Zittel said that people don't see the four at his corner. Supervisor Drozd stated that the Town can get a letter off to Erie County. As far as putting in for a speed reduction, let's wait for Erie County to answer about the intersections first. Mr. Knierim said that he has already gone through some channels and the feedback he is getting is that by changing the intersections, the funding for the roads will lessen.

Karen Geelan addressed the Board. She has lived on Townsend Road for 34.5 years. She echoes everything her neighbors have said and appreciates the County information as to who to talk to next because the residents will be contacting them. She asked for the Town's support in trying to get the authorities there with some radar to help slow down. We all know you don't dare go a smidgen over 45 when it goes from 55 to 45 because they are always there. She has offered her property, a perfect parking/hiding; she really doesn't care if they are going just a little bit over the speed limit, 5 over is 5 over and that is too much. They would appreciate that or the signs that say "your speed is" as a reminder. Data will show that that works. Anything that can be done in the meantime to slow down the traffic; the traffic is way too fast and has been for a long time. Her daughter has been out of school since 2006 but she almost got killed getting of the school bus by someone who was passing. The residents go on the road for a walk, bike. They don't dare do it. Anything that the Town can do to help get the County out there would be appreciated. Supervisor Drozd said that he can put in a call to the Community Liaison Officer at the Sheriff's Office and see if some speed enforcement

can be done. Council Member Kassel said he had called the State Troopers. He was told the residents just have to call and they will send a car out. They have but will call again. Mr. Knierim said that authorities cannot park in anyone's driveway; that they can park on the shoulder only and there is not enough shoulder on the road.

Gerald Hoch addressed the Board. He owns the property on the east side of intersection at Genesee Road and Townsend Road. He is in support of anything that can be done to slow down traffic to make it a safer road. If he is driving 45 or less up the road, people are pushing him. There is a problem with speeding cars. He does ask as a property owner, if the road is redesigned at the intersection of Genesee and Townsend, that he be involved so he knows the process. Supervisor Drozd informed him that the only thing the Town can do is put a letter in asking the County if this intersection is on their project list to be redesigned. Townsend Road is not a Town owned road. Supervisor Drozd believes that generally Erie County would contact the property owner if a redesign was to be done. Mr. Hoch said another comment he had was brought up earlier about making a left onto Genesee Road, the weeds need to be cut down. Supervisor Drozd stated that that is a maintenance issue for Erie County. The residents have to call the engineer. The Town cannot mow it; the Town has no jurisdiction.

Mark Molnar addressed the Board. He is here in full support of all his neighbors. He has lived there 10 years and has realized that this is a cut through. The cut through is exasperated and promoted by the way those intersections currently sit. People barrel each direction; you take your life in your own hands. He has witnessed an accident. He has discontinued walking his dog because he was almost hit. He has had animals killed by his house. He is in full support of the intersection changes, reducing the speed, no trucks; anything that can be done to slow the speed down with one of those monitoring signs; he thinks that would be a help just to give people a little extra emphasis to slow down. Mr. Molnar said that he appreciates all the Town's support and if there is anything the residents can do to support the Town's letter, they would do. Individual letters that can be sent to the Board to be attached to the Town's letter. Supervisor Drozd said that any letter the residents want to do can be addressed to the Erie County Commissioner of Public Works. Mr. Molnar asked why the weight limit signs were removed. Supervisor Drozd advised that the County was approached years ago on this. The County (himself at the time because he had the authority to do this) put the signs up for the Town as a good-natured gesture because the Supervisor at that time said there was no sign budget, didn't have the money, wanted the trucks off the road. The County at that time could do it under the Erie County Mutual Aid agreement. He authorized the signs to go up there with the backing of the traffic engineer at the time and work orders were processed. It came to light in May 2024 from the current traffic engineer that the signs were coming down because the Town Board at that time did not make it into a Local Law and put pass a resolution which under Highway Law is the Town Board's responsibility and right to do if they so choose. Mr. Molnar asked if this was something the Board is going to re-do? Supervisor Drozd said in full disclosure, he has been working on this for 27 years and is in favor of putting the signs back up but at this point he does not think he has the support from the Town Board to do that. The residents questioned why? Mr. Molnar said that the condition of the road is directly related to the traffic; the speed and the weight. Supervisor Drozd said that he understands that, that is why he did it back when it was done. He does not think he would have the support if he brought it up for a vote. Council Member Zittel stated that the Town can do only one road and he has a list of comparable roads with the same hills, same blind corners; minus the intersection. If the Town posts Townsend Road, the way the law reads, the Town cannot do another road. The Town would have to do a designated truck route; where are the trucks going to go. A resident asked if taking down the signs had anything to do with the construction at the Y at the bottom of the road and it does not. The County took them down. The residents questioned what was happening on that parcel. Supervisor Drozd said that the owner is just moving dirt right now. An owner can move dirt. A resident questioned what law Council Member Zittel was referring to when he said only one road could be done. Supervisor Drozd stated that he had emails from Gina Wilkolaski, the County Traffic Engineer; she noted that as a reminder Townsend Road will be the only road permitted to have a weight restriction; adding even a single additional road would require a townwide truck route to be established. The County will let the Town do Townsend Road because this was all started years ago. Supervisor Drozd said that he is

in favor of putting the signs back up but if he doesn't have the votes to do it, then the Town can't do it. Mr. Knierim said he talked to someone in Albany about that. When there is a situation like Townsend Road where there is a triangle, when there are two choice roads, you cannot have a truck route on the third side of the triangle. There are two choice roads: Genesee Road and Springville-Boston Road. Townsend Road does not meet the criteria for trucks. Each lane has to be 10 feet wide with at least a 3-foot shoulder and you cannot have blind hills; cannot have more than 10 residential homes per mile. This cannot be a truck route. Council Member Zittel stated that he did not say it was going to be a truck route. There was discussion about the Genesee Road and Springville-Boston Road intersection, the accidents there, and how the 4 way stop signs were put up because of the school bus accident. Mr. Knierim said that there are too many near misses; that is what needs to be addressed. Council Member Zittel would like to see what the County does; if they work on the intersections and see what happens. Mrs. Geelan noted that she does not think the Town should be afraid of a truck route because it sounds like it could be a smart thing to do at the Town; determine where the safe route would go. Supervisor Drozd said that it would be Genesee Road and Springville-Boston Road and that Townsend Road would get posted. Council Member Zittel noted that there would be a lot of opposition to that; trucks going down that hill, jake brakes/complaints from those on Genesee Road hill. Supervisor Drozd said he agreed with the residents but he can't answer for the rest of the Board.

Bernadine Gronowski addressed the Board. She said that it has already been said but would like to reiterate that the trucks have got to go. She lives five houses from Genesee Road on Townsend and right at the edge of her property is where the hill is and the cars fly over the hill. A school bus hit one of the trucks when their home was built in 1989. Everyone has stopped walking or running in the neighborhood. It is difficult for her to garden near the road even though there is some space there. The amount of traffic is nuts; just out of control. She questioned what the Town can do to speed up the process for the trucks and the speed limits. Mr. Knierim said that he thinks the bottom line is that if the Town can pursue those intersections; if those are under construction, it will be a deterrent and people will see that the other way is much better and safer, especially in the Winter.

Supervisor Drozd asked the other Board members if there was any change of heart in putting the signs back up. Council Member Drake reminded Supervisor Drozd that Council Member Krzemien is not in attendance tonight; she asked that this matter not be brought up for a vote in her absence. Council Member Drake said he was surprised no one mentioned the Amazon and UPS trucks that stop on Townsend Road. Neighbors explained some of these situations. Mrs. Gronowski said that she tells everyone who comes into her driveway roll down the windows because you can hear them before you see them. Council Member Zittel said that signs don't slow the people down. The Town needs law enforcement. Supervisor Drozd will call the Community Liaison Officer and will request more speed patrols on Townsend.

ITEM #4 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 & Kassel; Supervisor Drozd, voting aye; Council Member Krzemien, excused. Carried.

ITEM #5 OLD BUSINESS

a) KBCRWWTP Update-
(1) Meyers Septic Payment Application #5 as recommended by MDA Consulting Engineers in the amount of \$10,450. Motion by Council Member Kassel, seconded by Council Member Drake, to approve Payment Application #5 – Meyer Septic in the amount of \$10,450. Council Members Drake, Zittel & Kassel; Supervisor Drozd, voting aye; Council Member Krzemien, excused. Carried.

(2) Supervisor Drozd noted that the Town did get the DEC Preliminary Engineering Reports for the improvements; it came on June 20th. This is for all the work that MDA has been doing on that and the proposed project consisted of consolidation of WWTP facilities for Town of Concord Sewer Districts 1 and 2. The Town finally has their blessing in writing.

(3) Supervisor Drozd also had a punch list of items from this Project and there were things done that he did not like. He showed pictures to the Board. The ground around the bollards has been corrected. The airflow pipe was not secured and that was glued and screwed where the airflow goes in. The manhole was a big issue, there are infiltration problems up there; it had holes in it. The contractor took the one with the holes in it and swapped it out at no cost. It is now a solid one and is level so it won't be hit when plowing. Those are now all done. Within 7 months, the project has come a long way.

ITEM #6 NEW BUSINESS

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

Year 2024 Abstract 7:
General Fund A, Abstract 7, \$38,852.98
General Fund B, Abstract 7, \$3,015.25
Library Fund, Abstract 7, \$681.24
Fire Protection, Abstract 7, NONE
Joint Van, Abstract 7, \$16.98
Joint Youth, Abstract 7, \$60,389.68
Craneridge Lighting, Abstract 7, \$1,720.36
Craneridge Sewer, Abstract 7, \$2,175.92
Highway DA, Abstract 7, NONE
Highway DB, Abstract 7, \$28,138.46
Kissing Bridge Water, Abstract 7, \$18.00
Kissing Bridge Sewer, Abstract 7, \$171.98
Trevett Rd. Water, Abstract 7, NONE
Cattaraugus St. Water, Abstract 7, NONE
Trust & Agency, Abstract 7, NONE
Capital (HA) C. Sewer, Abstract 7, NONE
Capital (HB) Land, abstract1, NONE
Capital (HD) Catt St, Abstract 7, NONE
Capital (HE) Sr. Ctr, Abstract 7, NONE
Capital (HF) Hwy Equip, Abstract 7, NONE
Capital (HG) Waste Study, Abstract 7, NONE
Capital (HI) Waste Study, Abstract 7, \$19,418.00

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

b) Change date August Town Board Meeting to August 13, 2024 – Supervisor Drozd has a conflict with the regular Board Meeting date of August 8, 2024. It is not fair to put this on Council Member Drake's shoulders with everything that the Town has going on. This new date is only three business days longer; our bills will be ok. Motion by Council Member Zittel, seconded by Supervisor Drozd, to approve the change of the Town Board Meeting for Thursday, August 9th to Tuesday, August 13th at 7 p.m. with a Work Session at 6:30 p.m. Council Members Drake, Zittel & Kassel; Supervisor Drozd, voting aye; Council Member Krzemien, excused. Carried.

c) Battery Energy Storage Systems (BESS) Moratorium, set Public Hearing date for July 22, 2024 at 9:00 a.m. Supervisor Drozd advised that this would be a one-year moratorium to allow the Town to update their BESS law. Motion by Council Member Drake, seconded by Council Member Kassel, to set the Public Hearing for the local law for the Battery Energy Storage Systems Moratorium for July 22, 2024 at 9:00

a.m. Council Members Drake & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, abstained; Council Member Krzemien, excused. Carried.

d) Solar Energy Moratorium, set Public Hearing date for July 22, 2024 at 9:15 a.m. - Supervisor Drozd advised that this would be a one-year moratorium to allow the Town to update their Solar Energy Law. Motion by Council Member Drake, seconded by Council Member Kassel, to set the Public Hearing for the local law for the Solar Energy Law Moratorium for July 22, 2024 at 9:15 a.m. Council Members Drake & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, abstained; Council Member Krzemien, excused. Carried.

e) Special Town Board Meeting, set same date as BESS and Solar Energy Public Hearings - Motion by Council Member Drake, seconded by Council Member Kassel, to set a Special Town Board Meeting for July 22, 2024 immediately following the Solar Energy Moratorium Public Hearing. Council Members Drake & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, abstained; Council Member Krzemien, excused. Carried.

f) CEO Roberts- Western Southern Tier Conference (September 11-13) Celeron, NY – CEO Roberts is asking for approval to attend this training conference. Motion by Council Member Zittel, seconded by Supervisor Drozd, to approve CEO Roberts' training at the Western Southern Tier Conference. Council Members Drake, Zittel & Kassel; Supervisor Drozd, voting aye; Council Member Krzemien, excused. Carried.

g) RIC Energy, set another Public Hearing date/end of August – Supervisor Drozd noted that the Town sent RIC Energy a list of questions regarding their application and are awaiting responses from RIC Energy. It is anticipated that the Town should have their response soon. Motion by Supervisor Drozd, seconded by Council Member Drake, to set another Public Hearing date for August 27, 2024 at 7 p.m. Council Members Drake & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, abstained; Council Member Krzemien, excused. Carried. RIC Energy's attorney questioned if this was a second Public Hearing or a continuation of the first Public Hearing. The Minutes from the June 13, 2024 noted that the meeting was closed but Supervisor Drozd asked if there were people in attendance that night that did not have a chance to speak and there were some so the Board will schedule another Public Hearing on this project and advertise in the Journal, Town's website/signboard and notices will be sent to the neighboring parcel owners; the Town is trying to be transparent.

Supervisor Drozd advised that (h) Joint Increase and Improvement of Facilities of the Sewer District No. 1 and Sewer District No. 2 (2024), set Public Hearing date, needed to be added to the Agenda. Hodgson Russ and MDA Consulting Engineers are assisting the Town with this matter. Copies of the July 11th Hodgson Russ letter have been provided to the Board. Motion by Council Member Drake, seconded by Council Member Zittel, to add Item (h) Joint Increase and Improvement of Facilities of the Sewer District No. 1 and Sewer District No. 2 (2024), set Public Hearing date, to tonight's Agenda. Council Members Drake, Zittel & Kassel; Supervisor Drozd, voting aye; Council Member Krzemien, excused. Carried.

(h) Joint Increase and Improvement of Facilities of the Sewer District No. 1 and Sewer District No. 2 (2024), set Public Hearing date – Motion by Council Member Drake, seconded by Council Member Kassel, to set the Public Hearing date for Monday, July 29, 2024 at 8 a.m. Council Members Drake & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, abstained; Council Member Krzemien, excused. Carried.

ITEM #7 COUNCIL MEMBER NOTES

a) Council Member Kassel informed the Board that he will be going on a tour of the West Valley Demonstration Plant.

b) Council Member Drake received a check from the Springville Lions

Club which will be used to purchase tee signs for the disc golf course at Community Park. The Springville Lions Club will be recognized on the sign for their donations.

c) Supervisor Drozd advised that the Smoke-Free signs have been received and the Highway Department put the signs up at all locations: Community Park, Hulbert Library, Bensley Center, Town Hall and Senior Center.

d) Supervisor Drozd noted that the 4th of July concert and fireworks event went off with the bang! Many compliments were received from those in attendance on the event and the new Pavilion. The window that was broken in the new Pavilion will be repaired and the parents of the child will be reimbursing the Town for the cost.

e) Supervisor Drozd advised that earlier today he learned that the Town was awarded a grant from BridgeNY for the repair of the Ross Road Bridge in the amount of \$1.491 million dollars. Erie County received grants for other projects: \$2.888 million for replacement of Glenwood East Concord Road bridge over Graff Brook; \$3.752 million for replacement of Glenwood East Concord Road bridge over Sprague Brook; and \$2.375 million for replacement of Concord Road bridge over Spooner Creek.

ITEM #8 EXECUTIVE SESSION

There was nothing for Executive Session.

ITEM #9 MOTION TO ADJOURN

Motion by Supervisor Drozd, seconded by Council Member Drake, and passed unanimously, to adjourn the meeting at 8:39 p.m. in memory of:

Lisa Marie Graves
Alan Domes
Betty C. Whitehead
David McKeever
Bonnie Knight
Ronald W. Coons
Robert G. Randall
Richard J. Steele



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

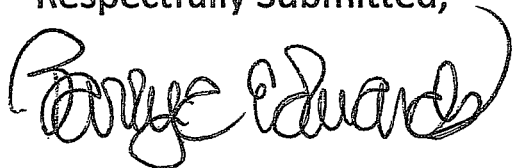
Highway Superintendents Report for the period of June 12, 2024 to July 10, 2024.

With twenty-nine days in this period the Highway Department

- **Completed ditching on Abbott Hill, South Hill, and Manchester Roads.**
- **Continue to mow road shoulders.**
- **Did the Spring check over on Tk#14.**
- **Picked up clay and baseball sand for the Town Park.**
- **Sent out both trucks #16 & #19 for repairs.**
- **Serviced Kubota ZD1211.**
- **Cut up down trees on Abbott Hill Road.**
- **Sent two trucks to Town of Collins for oil and chipping.**
- **Sent two trucks and two flag men to Town of Sardinia for oil and chipping.**
- **Oil and chipped Reed Road.**
- **Changed out brushes on broom for the hi lift.**
- **Took a load of scrap to Preivity.**
- **Sent one truck and two men to Sardina to help Nova Chip.**
- **Installed a culvert on Abbott Hill Road behind a mailbox where the ditch was washing out.**
- **Cleaned out a beaver dam at the bridge on Mayo Road.**

- Put in a wire mesh to prevent beavers from filling the pipes.
- Dug out and blacktop potholes on Manchester Road.
- Replaced broke air fittings on TK#13.
- Picked up excavator and brought to shop to service.
- Cleaned up a down tree on Chase Road.
- Serviced and repaired wiring on the Chipper.
- Helped Town of Sardina with tree trimming with our bucket truck.
- Changed mower blades on the JX90.
- Serviced chain saws.
- Put up new No Smoking signs on all Town buildings.
- Started trimming trees on Pritchard Road.
- Continue to clean the shop, lunchroom, rest room and office.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Barry Edwards". The signature is written in a cursive, flowing style with a large, sweeping flourish at the end.

Barry A. Edwards,
Highway Superintendent