

TOWN OF CONCORD TOWN BOARD MEETING      January 9, 2025  
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  
                         CALEB HENNING, MDA Consulting Engineering  
                         SHANE MILLER, ECSD

GEORGE DONHAUSER	JAMES TARAVELLA, RIC Energy
BARBARA LIPKA	PETER SORGI, RIC Energy/Attorney
JOHN BARONICH	JOSHUA ROGERS, Wendel Companies
ERIC WILLIAM, Springville Journal	NINA ZESKY, Wendel Companies
JEFFREY SOUDER, Assemblyman DiPietro	

SUPERVISOR DROZD ASKED FOR A MOMENT OF SILENCE ON THIS  
NATIONAL DAY OF MOURNING IN HONOR OF FORMER PRESIDENT JIMMY  
CARTER

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY SUPERVISOR DROZD

ITEM #1      CONSENT AGENDA

- a) Approval of Minutes:
  - (1) Work Session – 12/12/2024
  - (2) Town Board Mtg – 12/12/2024
  - (3) Emergency Town Board Mtg – Kissing Bridge SLA -  
12/19/2024
  - (4) Special Town Board Mtg – Payment of Year End Abstract –  
12/30/2024

Motion by Council Member Drake, seconded by Council Member Zittel, to  
approve Consent Agenda, Items 1-4. Council Board Drake, Zittel, Krzemien & Kassel;  
Supervisor Drozd, voting aye. Carried.

- b) Month Reports:
  - (1) Code Enforcement Report – December 2024
  - (2) Code Enforcement Annual Year 2024 Report
  - (3) Dog Control Officer Report – December 2024
  - (4) Dog Control Officer Annual Year 2024 Report
  - (5) Town Clerk Report – December 2024
  - (6) Town Clerk Annual Year 2024 Report
  - (7) Supervisor's Report – October 2024
  - (8) Senior Director Report – December 2024
  - (9) Assessor's Report – December 2024

Motion by Council Member Zittel, seconded by Council Member Krzemien, to  
approve Consent Agenda, Items 1-9. Council Board Drake, Zittel, Krzemien & Kassel;  
Supervisor Drozd, voting aye. Carried.

ITEM #2      RESIDENT CONCERNS

Supervisor Drozd opened the floor for Resident Concerns.

1) John Baronich addressed the Board. Mr. Baronich noted he had a crazy ideal to run past the Board for their consideration but started out by telling a story. While in Michigan in December, his wife had a Buffalo Bills shirt on. They were approached by a man asking if they were from Buffalo and conversation ensued about where they lived, Springville, and the man responded that he lives in Cincinnati and said that the Moto Cross Event that was held here was the best event he had attended. Mr. Baronich thanked the Board for allowing this event to continue. Mr. Baronich noted that he was here tonight to talk about the WNY Snowmobile Club of Boston. Mr. Baronich wanted to know what the possibility would be of the snowmobile club using, and promoting, the Concord Senior Center parking lot for parking snowmobile trailers and vehicles; the south end of the parking lot. Mr. Baronich noted that most of the other clubs have designated areas for parking their trailers. He drew out a little map of what he was proposing and explained how the trailers could use the parking lot without bothering the seniors. The club's groomer could push back that snow bank made by the Town plow a bit more and the trailer gates could be dropped but the snow bank would be there so the snowmobiles could not go into that field which is not owned by the Town. Signage could be put up noting no snowmobiles, parking spots (maybe 8 or 10) so once the spots were full, the people would not be able to park there. This is right next to the ECRT and for walkers and hikers, this could also be a place to start. The ECRT is the snowmobile club's main trail since the one by Lamb & Webster is not an option this year. The ECRT takes them across the High-Level Bridge and into Cattaraugus. The riders could go North towards Kissing Bridge or South to Zoar Valley and Cattaraugus County. He understands that the Town has the right to say no and he will be ok with that decision. Most clubs do have designated parking spots and right now most people are parking by the Dollar Tree and Walmart. Last year the trails were open 2 ½ days and the year before 12 hours. There is discussion this year to open the trails going South this weekend, either Friday or Saturday, because there is enough snow. Going North is still thin and cannot yet be opened; the landowners that allow the snowmobiles on their lands would not appreciate the Club opening trails at this point. There was discussion about going South on the trail where the riders go out to cross the bridge. Schichtels put up a fence so now Gui's Lumber is allowing the trail to go behind Gui's Lumber off the rail bed and then run down, heading south, on the left side of Route 219 next to that white house owned by Gui's Lumber and then the next to the new storage facility where they have permission to use the front part and then the snowmobile trail goes right back to where the trail was last year because Schichtel gave them enough room there between the fence and the side of Route 219. Council Member Zittel asked about the parking area by the Country Club. This is owned by Erie County. Mr. Baronich said they had looked into this parking lot but it is never plowed. The Club would have to plow the lot with their groomers and they are not sure they want to get into doing that. Supervisor Drozd noted that that is really a scenic outlook spot which is owned and maintained by Erie County as is the Park & Ride in that area. Supervisor Drozd advised that the Club would need to get in touch with Erie County DPW to check to see about use of that.

The Board wanted time to review the information; Town Attorney Attea advised that the Town will need to look into liability as well; the matter was tabled. Mr. Baronich understands and thanked the Board.

2) Peter Sorgi, Esq., addressed the Board. He is the project attorney for RIC Solar Energy Project. He thanked the Board for allowing him to speak. It is his understanding that this evening the Board has before them a resolution which issues a positive declaration pursuant to SEQR on this project. What this means is that the Town has determined that there are substantially potential adverse environmental impacts. He and his client find themselves in an odd position that they have no idea what those issues are and, he doesn't mean to be insulting, but if that were to happen, that just is not fair. It seems that this Board has a sense of fairness and a common-sense board. They have asked numerous times, at the Public Hearings and through communications, if the Town had any issues to be addressed; or if the Town needed more information. They have

received no correspondence whatsoever, that is not a fair process; and they know that the Town wants to have a fair process and they should have an opportunity to address the issues but they don't know what the issues are. They hastily put together an 11- or 12-page letter that he provided to the Board earlier this evening which goes through the some of the legalities of what SEQRA is and what type of discretion the Town has and then they issued the issues which are on Part 2 of the EAF which is required to be filled out when the declaration is made. Some of the legal standards state that the Town has to have substantial evidence to back up their decision whether it is their favor or against them, the Town needs substantial evidence. He read some case law from the NYS Court of Appeals where SEQRA determination was made and was annulled by the Courts: "here, the record contains no factual evidence, expert or otherwise, to counter the extensive factual evidence submitted by petitioner. To permit the SEQRA determinations to be based on no more than generalized, speculative comments and opinions of local residents and other agencies, would authorize agencies conducting SEQRA reviews to exercise unbridled discretion in making their determinations and would not fulfill SEQRA's mandate that balance be struck between social and economic goals and concerns about the environment." Attorney Sorgi continued that the Town does not have that unbridled discretion; the Town can't just simply look at something and say that they don't like it. As a matter of fact, following the process fairly as he knows the Town wants to do, the Town could theoretically not want this project but look at the law and state that the criteria have been met. Conversely the Town could say that they want the project but the criteria have not been met and the Town would deny it. The second case law Attorney Sorgi referred to was: "However, generalized community objections such as those offered here in response to the comprehensive data provided by petitioner, cannot, alone, constitute substantial evidence, especially in circumstances where there was ample opportunity for the respondent to have produced reliable, contrary evidence." In this instance Attorney Sorgi advised that they have submitted document after document, study after study. They have gone through the entire list without even being told and submitted that in advance so that they would not be in this very position and asks the Board's consideration of that. He continued that the some of the areas of the SEQRA review are pretty clear cut: environmental impacts, their studies, letters from agencies. SHPA (State Historic Preservation Act) was saying that there is not an issue here; others are a bit more objective as to whether it was consistent with the Town Comprehensive Plan. This is always difficult; he is involved in this in nine places in Cattaraugus County in both chairs. When talking about farmland, he does understand the issue but the reality is that the Town's Comprehensive Plan says expressly that the Town should allow solar in the district in which this site is in. It also talks about economic benefits like host community agreements, which they would certainly be opened to discuss, but those conversations have not yet been had. If the Town wants to do that in an open forum by a Special Meeting, or regular meeting, weekends; they don't care. They would just like the opportunity. Attorney Sorgi advised that he would certainly answer any questions that the Board may have but would ask that the Board table that determination and tell them what issues are there and give them the chance to address them; it is the only fair thing to do. Attorney Sorgi thanked the Board for their time.

ITEM #3      HIGHWAY DEPARTMENT

- a) Hwy Supt Edwards read his Highway Report.

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

ITEM #4      OLD BUSINESS

a) KBWWTP – Supervisor Drozd stated that the Town received two letters dated December 31, 2024 from the DEC. The Preliminary Engineering Report Amendments were approved and then the Engineering Report Eligibility. These are items that Caleb Henning, MDA Consulting Engineers, had been waiting on. This is good news for the Town.

- b) Community Engagement Team - Officer Miller provided the

December and Yearly statistics: For December there were 149 calls for service, 141 premise checks, 23 traffic stops, 22 accidents, 8 arrests, 5 warrants, 1 narcotic. For Year 2024, there were 1,892 calls for services, 1,946 premise checks, 471 traffic details, 52 Community policing contacts, 146 accidents, 175 first aids, 8 larcenies, 5 burglaries, 4 stolen cars, 69 arrests, 18 DWI and 15 Warrants served. Officer Miller will start emailing these Reports to the Town and then they can be provided to the Board as part of their Agenda packet.

Officer Miller asked if there were any questions. Supervisor Drozd asked Officer Miller if he had any advice with regard to the request of the snowmobile club request; what are any new laws that may affect use on the public roadway? Officer Miller believed it was up to a mile running along the fog line. Their departments rule of thumb is if there are no complaints about it, they do not pursue it. There is usually not too much of an issue with this. The department does not want them crossing the road. The last two years there has been no snow so there haven't been any issues except stolen sign matters. Personally, he did not think it would be an issue but the decision would be up to the Board.

Officer Miller updated the Board on the homeless issue. There were 6 or 7 that were homeless back in September but as of right now there are none. The department is dealing with one squatter/eviction issue at this time. Officer Miller thanked the Board and left the meeting at 7:27 p.m.

c) RIC Energy - Supervisor Drozd advised that the Town has completed Steps 1-3 of the SEQR process in classifying the action; the Town has completed Environmental Assessment Form (EAF) and the Coordinated Review and established the Town's Lead Agency. The next step is to make a determination of significance. As the Lead Agency, the Town Board is responsible to complete Part 2 of the full EAF. The Town's engineers met with the Board during this process numerous times and Supervisor Drozd deferred to Caleb Henning, MDA Consulting Engineers, to summarize the findings.

Caleb Henning introduced himself for those who may not know him; he is with MDA Consulting Engineers who have been working with the Town stepping through this process doing an engineering review of the solar project and helping the Town evaluate the environmental impacts of this project as well. Mr. Henning attended both nights of the Public Hearings and there were a lot of questions brought up by the public and he provided an engineering review letter to the Town which was forwarded to the applicant and as a result of that, the applicant did revise the application and submit some additional material as well as some advised material. That cleared up a lot of the questions from an engineering perspective. MDA stepped through Part 2 of the full EAF with the Town and they have an eight-page document providing further narrative of additional information through the various 18 questions of Part 2. Part 2 basically asks about how the proposed action impacts various resources such as land, geological features, surface water, ground water, flooding, air, various things. Mr. Henning stated that there are potential ways where a project like this can drastically negatively impact ground water, surface water but most of those ways can be mitigated through the way the applicant would do the project. For example, where they are tracking across open field, if they don't put in the proper erosion and sediment control measures, there will be sediment running off the site and causing problems. Mr. Henning noted that this has been a very good application to look at; the applicant has provided extensive and solid engineering drawings addressing all of these issues that he is talking about but as we step through Part 2 and consider comments that were received from involved agencies, the one comment that was received from Erie County pointed out that the project is not consistent with the Erie County Farmland and Agricultural Plan. Erie County also referenced the Town's Comprehensive Plan stating that the project is not consistent with the goals of that plan. In reviewing the Town's Comprehensive Plan, it seems clear that there were two things going on that triggered the update of the Plan. (1) the goal to protect farmland and agricultural resources and (2) the goal to help the Town respond to increased pressures of large solar projects. There are two things going on. Mr. Henning noted that Attorney Sorgi did state that part of the Comprehensive Plan talks about PILOT agreements and trying to find ways in which projects like this can benefit the

community even though they are impacted other things. Mr. Henning thinks that in discussing this with the Town Board and looking it himself, comparing it to the Comprehensive Plan, he did want to point out a couple of things. Mr. Henning reviewed the two maps from the Erie County Agricultural and Protection Farmland Plan. (1) Agricultural parcels and cropland parcels. What this shows in the Town of Concord is that there is active cropland on virtually every parcel that is in an agricultural district. That means that these parcels that are in the Agricultural District are actively being used as farmland. (2) Agricultural soils rating map which takes all the parcels in Ag Districts in the County and rates them with an objective rating that is based on the quality of soil on a parcel and the quantity of soil on a parcel. A very large parcel with poor quality of soil would not rate very high. A very small parcel with high quality of soil would also not rate very high. He explained this map showing the blue and purple parcels are among the highest rated in the County. The parcel in question is actually a blue parcel. There are only about 20 parcels in the Town of Concord that have that rating or higher. It is safe to say that the parcel that is being discussed here is among the highest rated farmland parcels in the Town. Mr. Henning wanted to point that out because the justification document tries to make the point that the Town wants to recognize one of the Comprehensive Plan's goals is to protect farmland. The Comprehensive Plan also states any number of the agricultural lands located throughout the Town are considered to be a scenic resource of the Town. The Town values farmland for the value of farmland and the Town also values farmland for a scenic resource. It is stated right in the Town's Comprehensive Plan. MDA stepped through the impacts on agricultural resources in the justification documentation recognizing that the score of 145 given by Erie County is among the best soils in the Town, the best rating. He also pointed out that there are a lot of larger agricultural parcels within the Town that are not as valuable for agricultural use. Mr. Henning noted that he thinks the Planning Board has stated before that they are not opposed to solar, but that this parcel may not be the best parcel for the project. The current parcel has approximately 66 acres of active agricultural fields; 51 acres is the northerly field and there is a very small two-acre portion to the east and a 13-acre portion to the south. The majority of the land on the project, 31 out of 35 acres is identified as prime farmland so most of the project would be prime farmland even though when you look at the zoning requirement, the applicant is under the 50% threshold of impacting total prime farmland on the parcel. A project like this is limited to a maximum 50% of the prime farmland. A project can only take up to 50% of the prime farmland on a given parcel away. The project complies with the zoning within the boundary of the project. He referred to Section 8 of the full EAF, it also asks if other pieces of the farmland are also being inhabited or if access to those farmlands are being prohibited. At this point it is unclear as to whether the other two smaller fields will be able to be farmed after this project goes in. He believes that both of those fields are being accessed from where the project is being built. Mr. Henning thinks that the impacts to farmland, in a way, on this parcel, cannot be avoided; they cannot be mitigated. The only thing the applicant is saying here is that it is temporary so when the project is decommissioned and is used up, the parcel will go back to farmland. Secondly, the applicant is proposing to do the restoration in compliance with the latest guidelines from the NYS Department of Ag & Markets for restoring this. Mr. Henning still believes that there is a lot going on on this parcel; a lot of earth work happening, a lot of soil being cut and removed; approximately 2,000 cubic yards is actually being stripped. The applicant noted that it will stay on site but there is no detailed plan. The response to the Town's question in the engineering review was that that would be worked out later; a detailed soil balancing will be done later. There is still no detailed answer as to what is going to happen to that soil. The typical profile for soil for a field, the best soil is at the top so if the applicant strips that off, there is going to have to be a detailed plan to replace it. Mr. Henning continued that he thinks that the impact to farmland can't be mitigated in the same way as preparing an erosion and sediment control plan or storm water pollution prevention plan. It is up to the Town to determine whether this action may have a significant adverse impact to this resource. The last two sections relate to consistency with the community plans and consistency with the community character. In talking to the Town, it seems that the Town feel that this project is not consistent with the Town's Comprehensive Plan. The primary goal of the Comprehensive Plan itself states that the changes impressive on the Town's largest industry which is agricultural and a pending large scale energy project under consideration, those are the motivating factors stated in the Comprehensive Plan for updating the Comprehensive Plan. Section 1.3 states especially important to this

update is the continuing and growing importance placed on agricultural protection. Mr. Henning feels that the Town has been fairly clear in their Comprehensive Plan what their priorities are here. Mr. Henning referred to Section 3 which are goals of the Comprehensive Plan in different areas and in the area of protecting the environment, it talks about encouraging the preservation of prime and active farmland, supporting existing agriculture and farming activities, protecting agriculture and farmland to retain opportunity for economic development and provide opportunities for jobs; it talks about encouraging the retention of open space. Section 3.4 also clarifies that promoting economic development can include the development of green energy projects but that it should be done in a way that does not adversely impact the environmental features, agricultural economy and esthetic character qualities of the Town. That is objective #10 under Section 3.4. The reason why the Town has a positive declaration to consider tonight is that in meeting with the Town and his office, the Town feels that the proposed action is not consistent with the intent of the Town's Comprehensive Plan to preserve the rural, scenic and agricultural nature of the community. The Comprehensive Plan is clear that the preservation of the rural landscape is a priority so projects that reduce open space, remove agricultural lands and detract from the rural character are not meeting the goal of the town's community plan. There are eight pages of justification included with Part 2 and Part 3 of the full EAF. After consideration of Part 2, there are three options for determining significance. (1) Issuing a negative declaration for a Type I action, (2) Issuing a conditioned negative declaration which is not applicable to this project and (3) Issuing a positive declaration. If the Town feels that the proposed action may result in a significant adverse impact to some of these environmental resources that were looked at in Part 2, then the Town would issue a positive declaration. That does not kill this project; it triggers scoping activities for an environmental impact statement which basically is where the developer/applicant would look further into the issues that the Town is concerned about and would provide an impact study on those issues. The scoping can be initiated either by the applicant or the Town Board and the applicant can prepare a draft scope of what the applicant believes the EIS (Environmental Impact Statement) should include. If the applicant provides a draft scope for the things that need to be in the report, then the Town Board, as Lead Agency, would have to promulgate and publish it and respond with comment. Those are the next actions. Mr. Henning asked Town Attorney Attea if he had any additional input on the implications of a positive declaration which would not kill the project but would mean that there is more work to be done. Town Attorney Attea thanked Mr. Henning for explaining the declaration and he had nothing else to add other than what has already been shared and discussed. He had opportunity to speak to counsel for the applicant on a couple of occasions prior to tonight and it will be up to the Board to determine whether they feel they need any other information or have any questions with regards to being prepared to make a decision tonight. Mr. Henning noted that he is not really sure that a PILOT agreement mitigates impacts like this; it does not necessarily seem like a PILOT is appropriate to be done before an environmental is complete. Attorney Sorgi said that he did not say that. Mr. Henning noted that Attorney Sorgi referred to the Comprehensive Plan and mentioned the PILOT agreement in your letter; Attorney Sorgi stated that it was not in the context Mr. Henning just said. Mr. Henning replied that Attorney Sorgi was basically asking that the Town table this and allow the applicant to provide more information. Attorney Sorgi stated that they did not know what the issues were; he understands what an EIS/scoping is, but Mr. Henning stated on the record that this is what the Comprehensive Plan says so how can that not possibly kill the project if that is the decision? They can't change the Comprehensive Plan. Attorney Sorgi stated that if you are a landowner that owns blue or purple land, their land has just been devalued drastically because you can do nothing else with it; that is the position that Mr. Henning is taking. Town Attorney Attea stated that the Town is not going to get into debating that now; he appreciates Attorney Sorgi's comment; Attorney Sorgi wanted this corrected in the record. Attorney Sorgi said he wasn't going to speak but when we are saying things; that they said this, or they said that; they did not say that. He did not say that they would give the Town a Host Community Agreement in addressing the issues; he did not know what the issues were and not to put words in his mouth. Town Attorney Attea said that is fine but as was discussed prior to the meeting this is not going to be the forum for a debate. Town Attorney Attea stated that the applicant has all his options available to him legally and otherwise based on the position the Town Board is potentially going to take. Attorney Sorgi asked if this felt fair. Town Attorney Attea noted that Attorney Sorgi had asked that question; Attorney

Sorgi commented that he did not get an answer. Town Attorney Attea asked the Town Board if they felt that they had received enough information from the Town's engineer to make a decision with regards to the two options that are available to the Town. If that is the case, then the Town can proceed accordingly. If the Town Board doesn't feel that they have enough information to adequately make an informed decision, then the Board does have the right to table. Supervisor Drozd polled the Board; he personally feels that the Board has gotten enough information back on this matter and have had discussions on the matter. Supervisor Drozd asked the rest of the Board, with the exception of Council Member Zittel who must recuse himself, if they felt they had enough information here from the engineer? Council Members Drake, Krzemien and Kassel all said yes. Mr. Henning stated that as an engineer he has been on both sides of the fence; he has been on projects in other communities where there have been negative declarations and some where there have been positive declarations and he thinks that this project is one of the projects that stands out because of the Town's Comprehensive Plan which was updated only a couple of years ago, three years ago, and it is pretty clear that the project is not really in compliance with the goals of the Comprehensive Plan; it contrasts the goals. Attorney Sorgi asked Mr. Henning if he had ever been involved in any of these projects where the applicant did not now any of these issues until the 11<sup>th</sup> hour? Had that ever happened to you before? Town Attorney Attea told Mr. Henning he did not have to answer that. Town Attorney Attea asked the Town if they were set to take a position? Supervisor Drozd asked Mr. Henning if he was all set and he was. Supervisor Drozd noted that he would read what he had prepared and then go into the resolution. Supervisor Drozd stated that he believes this resolution states the background of the project including how the Town Board has reviewed the project in accordance with the SEQR regulations as well as the importance of agricultural land as outlined in the Town's Comprehensive Plan and the Erie County Agricultural and Farmland Protection Plan so the Resolution that he will read also states that the Town Board as Lead Agency also makes a positive declaration based on the determination that the proposed action may have one or more significant adverse impacts on the environment.

Supervisor Drozd moved the adoption of Resolution 1, seconded by Council Member Kassel:

**SEQR Resolution  
RIC Solar Energy Project**

**WHEREAS**, the Town Board of the Town of Concord ("the Board") has been provided with an application for the development of a 5.00-megawatt solar project on a 100.2-acre property on 12119 Springville Boston Rd, identified with the SBL# 307.00-3-37 ("the Project") by RIC Energy; and

**WHEREAS**, the Concord Planning Board has reviewed the site plan and application, has determined the application to be complete, and has forwarded the application to the Town board for the completion of SEQR and consideration of the Special Use Permit as required in the Town of Concord Solar Energy Systems local law contained in Chapter 150, Article XXXIX of the Town Code, specifically §150-215; and

**WHEREAS**, in accordance with the provision of 6 NYCRR Part 617 (SEQR), the Board adopted a resolution on May 29, 2024, designating itself as Lead Agency for the proposed action pursuant to 6 NYCRR Part 617; and

**WHEREAS**, the Board has examined and considered the Full Environmental Assessment Form (EAF) Part 1; caused to be prepared Part 2 and 3 of the EAF to evaluate potential significant adverse environmental impacts associated with the Proposed Action based on a review of the EAF Part 1, the application documentation, and its own independent analysis of the Proposed Action; and

**WHEREAS**, the Board recognizes the importance of "preservation of prime and active farmland" because it plays a vital role in the community character and it contributes to local, County-wide, and regional food access needs; and

**WHEREAS**, the Board recognizes that one of the primary goals of the Town's comprehensive plan is to preserve prime and active farmland and to protect agricultural and farmland as a way of protecting the environment within the Town of Concord; and

**WHEREAS**, the Board recognizes the Erie County Agricultural and Farmland Protection Plan and the priority the county has placed on taking particular care in protecting areas with high soil ratings. Additionally, the Agricultural Parcels and Cropland Coverage Map contained in the Erie County Agricultural and Farmland Protection Plan demonstrates that virtually all of the parcels within the Town of Concord that are classified as agricultural have at least some cropland located on them – meaning that they are being actively utilized for farming; and

**WHEREAS**, the Board has compared the potential environmental impacts of the Proposed Action, as set forth in Parts 2 and 3 of the EAF with the criteria for determining significance under 6 NYCRR 617.7(c).

**NOW THEREFORE BE IT RESOLVED**, that based upon the information contained in the EAF and associated documents, the Board, as Lead Agency for the Proposed Action contemplated herein, and after due deliberation, review and analysis of the Proposed Action and the criteria set forth in 6 NYCRR §617.7(c), hereby determines that the Proposed Action may have one or more significant adverse impacts on the environment including removing significant acreage of important agricultural soils at this project site from production for a substantial period of time and setting an undesirable precedent which will lead to comparable developmental pressures on other valued agricultural resources in the Town of Concord.

The Board hereby also determines that the Proposed Action may have one or more significant adverse impacts on the environment in that it is not consistent with the Community Plans and the Community Character of the Town of Concord as outlined in the Town's Comprehensive Plan.

These potential adverse impacts to the environment as stated above are contrary to important policies set forth in the Town of Concord Comprehensive Plan and the Erie County Farmland Protection Plan, resulting in a Positive Declaration determination of significance, and thus, directing the preparation of an Environmental Impact Statement (EIS) in accordance with 6NYCRR §617.12(b)(1) and to publish the Positive Declaration in the Environmental Notice Bulletin pursuant to 6 NYCRR §617.12(c).

Voting as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

d) North Street Speed Reduction – The Town has been working with SGI and the Village of Springville on this speed reduction. The Town received a letter dated December 4, 2024, from NYS Dept of Transportation directed to Gina Wilkolaski, Traffic Safety Engineer at Erie County DPW. The Board was provided with a copy of the letter. Hwy Supt Edwards is working with the Village who will be ordering the signs and putting the four signs in place; the Town will pay for half the costs.

Supervisor Drozd asked for a motion to add Item (e) Cemetery Information to tonight's Agenda. Motion by Council Member Zittel, seconded by Council Member Krzemien, to add Item (e) Cemetery Information to the Agenda. Council Board Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

e) Cemetery Information – This information has been researched and prepared by Council Member Krzemien. This includes current and proposed fees for interment in the Town cemeteries, the Lot Worksheet and Rules and Regulations for the Town of Concord Cemeteries. Council Member Krzemien advised that this will bring the Town in line with the other cemeteries in the area. Copies had been provided to the Board. Motion by Council Member Zittel, seconded by Council Member Kassel, to accept the new Cemetery Fee Schedule, the Lot Worksheet and the Rules and



Regulations for the Town of Concord Cemeteries. Council Board Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #5    NEW BUSINESS

a) Audit of the Bills – Council Member Zittel audited the Bills this month. Abstract 14 is for Year 2024 and Abstract 1 is for Year 2025.

Year 2024 Abstract 14:

General Fund A, abstract 14, \$21,536.09  
General Fund B, abstract 14, \$1,569.25  
Library Fund, abstract 14, NONE  
Solar Energy Spr-Boston -CM– abstract 14, \$3,836.88  
Fire Protection, abstract 14, NONE  
Joint Van, abstract 14, \$370.52  
Joint Youth, abstract 14, NONE  
Craneridge Lighting, abstract 14, \$1,560.45  
Craneridge Sewer, abstract 14, NONE  
Highway DA, abstract 14, NONE  
Highway DB, abstract 14, \$3,933.42  
Kissing Bridge Water, abstract 14, NONE  
Kissing Bridge Sewer, abstract 14, \$85.00  
Trevett Rd. Water, abstract 14, NONE  
Cattaraugus St. Water, abstract 14, NONE  
Trust & Agency, abstract 14, NONE  
Capital (HA) C. Sewer, abstract 14, NONE  
Capital (HB) Land, abstract 14, NONE  
Capital (HD) Catt St, abstract 14, NONE  
Capital (HE) Sr. Ctr, abstract 14, NONE  
Capital (HF) Hwy Equip, abstract 14, NONE  
Capital (HG) Waste Study, abstract 14, NONE  
Capital (HI) KB/CR Sewer Project Study, abstract 14, NONE

Year 2025 Abstract 1:

General Fund A, abstract 1, \$12,010.92  
General Fund B, abstract 1, NONE  
Library Fund, abstract 1, NONE  
Solar Energy Spr-Boston - CM– Abstract 1, NONE  
Fire Protection, abstract 1, NONE  
Joint Van, abstract 1, NONE  
Joint Youth, abstract 1, NONE  
Craneridge Lighting, abstract 1, NONE  
Craneridge Sewer, abstract 1, NONE  
Highway DA, abstract 1, NONE  
Highway DB, abstract 1, \$19,820.04  
Kissing Bridge Water, abstract 1, NONE  
Kissing Bridge Sewer, abstract 1, \$85.00  
Trevett Rd. Water, abstract 1, NONE  
Cattaraugus St. Water, abstract 1, NONE  
Trust & Agency, abstract 1, NONE  
Capital (HA) C. Sewer, abstract 1, NONE  
Capital (HB) Land, abstract 1, NONE  
Capital (HD) Catt St, abstract 1, NONE  
Capital (HE) Sr. Ctr, abstract 1, NONE  
Capital (HF) Hwy Equip, abstract 1, NONE  
Capital (HG) Waste Study, abstract 1, NONE  
Capital (HI) KB/CR Sewer Project Study, abstract 1, NONE

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

b) MDA Engineers 2025 General Services Proposal – Board were provided with a copy of the MDA Consulting Engineers General Services Proposal for 2025. The Town had this agreement last year. Motion by Council Member Drake, seconded by Council Member Krzemien, to approve the MDA Engineers 2025 General Services Proposal and authorize Supervisor Drozd to sign said Proposal. Council Board Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

c) Authorize Town Clerk to advertise for Trash Pickup - Motion by Council Member Kassel, seconded by Council Member Zittel, to authorize Town Clerk Schweikert to advertise for the Spring Trash Pick Up. The bid opening will be Monday, February 10, 2025 at 10 a.m. Council Board Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried. Spring Trash Pick Up will take place beginning Monday, May 12, 2025.

d) Budget Transfers – Supervisor Drozd advised that the following budget transfers are required through the end of October 2024:

Transfer \$9,067.65 from General Fund/Park Miscellaneous A7110.49 to General Fund/Park Services A7110.1

Transfer \$54,600 from Craneridge Sewer/Prof Services SS1-8130.48 to Craneridge Sewer/Personnel SS1-8130.1

Transfer \$4,137 from Craneridge Sewer/Prof Services SS1-8130.48 to Craneridge Sewer/Social Security SS1-9030.8

Transfer \$43 from Craneridge Sewer/Repairs SS1-8130.45 to Craneridge Sewer/Social Security SS1-9030.8

Transfer \$30,448.58 from Kissing Bridge Sewer/Contractual SS2-8110.41 to Kissing Bridge Sewer/Personnel Service SS2-8110.1

Transfer \$5,951.42 from Kissing Bridge Sewer/Miscellaneous SS2-8110.49 to Kissing Bridge Sewer/Personnel Services SS2-8110.1

Transfer \$2,784.60 from Kissing Bridge Sewer/Miscellaneous SS2-8110.49 to Kissing Bridge Sewer/Social Security SS2-9030.8

Motion by Supervisor Drozd seconded by Council Member Krzemien, to approve the above transfers. Council Board Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

e) Retirement Resolution – This is the annual Retirement Record of Activity Resolution. There are three employees that are doing their three-month record of activity at this time and that Resolution will be brought to the Town Board when completed.

Council Member Kassel, moved the adoption of Resolution 2, seconded by Council Member Zittel:

#### STANDARD WORK DAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the Town of Concord, Local code 30252, hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

ELECTED OFFICIALS:

Darlene G. Schweikert, Town Clerk; Term 01/01/2022-12/31/2025. Standard Work Day 8, ROA Result: 22.23; Pay Frequency: Bi-Weekly

Barry A. Edwards; Town Hwy Supt; Term 01/01/2022-12/31/2025. Standard Work Day 8, ROA Result: 22.50; Pay Frequency: Bi-Weekly

Kiimberly Krzemien, Council Member; Term 01/01/2022-12/31/2025. Standard Work Day 8, ROA Result: 1.99; Pay Frequency: Monthly

Kenneth Kassel, Council Member, Term 01/01/2024-12/31/2027; Standard Work Day 8, ROA Result: .62; Pay Frequency: Monthly

Laura Safford, Deputy Town Clerk; Term: 08/05/2024-12/31/2025; Standard Work Day 8; ROA Result 20.42; Pay Frequency: Bi-Weekly

Brian Attea, Town Attorney; Term: 08/05/2024-12/31/2025; Standard Awork Day 8, ROA Result 1.26; Pay Frequency: Monthly

Rachel E. Watz, Bookkeeper; Term: 01/01/2025-12/31/2025; Standard Work Day 8; ROA Result:20.67; Pay Frequency: Bi-Weekly

Benjamin Slotman, Sewer Operator; Term: 01/01/2025-12/31/2025; Standard Work Day 8; ROA Result: 4.65; Pay Frequency: Bi-Weekly

Joseph R. Edbauer; Planning Board Chair; Term: 01/01/2022-12/31/2028; Standard Work Day 8; ROA Result: 1.41; Pay Frequency: Monthly

James Jozwiak; Planning Board Member; Term: 01/01/2021-12/31/2027; Standard Work Day 8; ROA Result: .33; Pay Frequency: Monthly

Bruce Luno; Planning Board Member; Term: 01/01/2020-12/31/2026; Standard Work Day 8; ROA Result: .30; Pay Frequency: Monthly

Julie Zybert; Planning Board Member; Term: 01/01/2024-12/31/2030; Standard Work Day 8; ROA Result: .29; Pay Frequency: Monthly

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.

f) Declare Whirlpool Single Door Freezer @ Senior center Surplus (Serial #U523033) – Other surplus items to be included and declared surplus: Court Office Brother Printer Model MFC 12720DW (Serial #U6388J4N430685) and all old Town Office NEC telephones. Motion by Supervisor Drozd, seconded by Council Member Krzemien, to declare the above items as surplus. Council Board Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye.

g) Wendel Companies Proposal – Solar, WECS & BESS Laws Update – Josh Rogers and Nina Zesky from Wendel Companies introduced themselves. Mr. Rogers noted that the Town is more familiar with Andrew Reilly but as Planners for Wendel they work on these laws and updates. They are here tonight to answer any questions; the Board were provided with a copy of the proposal prior to the meeting and had no questions at this time. Town Attorney Attea stated that it is important for the Town to take advantage of the expertise of Wendel with regards to these updates because of how quickly the laws and the technologies are changing. As much as this Town Board has endeavored to stay up to date, it seems to be a half step behind. It was his

recommendation that the Town go ahead and engage Wendel Companies to assist the Town. Motion by Council Member Krzemien, seconded by Council Member Kassel, to approve the Wendel Companies Proposal to assist the Town in updating the Town's solar law and Wind Energy Law and recommendations for the Town's Battery Storage Law, and to authorize Supervisor Drozd to sign the proposal. Council Board Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Supervisor Drozd thanked Mr. Rogers and Ms. Zesky for coming tonight.

h) Set Public Hearing Date – Buckley/Moore Road Rezone – 2/13/25 at 6:15 p.m. The Planning Board has reviewed this application to rezone the property owned by MRC Acquisitions, Steven Buckley/ President located at 11655 Moore Road, in the Town of Concord, consisting of approximately 7.90 acres of land from Residential Agricultural (R-Ag) District to Commercial-Tourist (CT) District. Motion by Supervisor Drozd, seconded by Council Member Drake, to set the Public Hearing on the Buckley/Moore Road Rezone application for Thursday, February 13, 2025 at 6:15 p.m. Council Board Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye.

ITEM #6      COUNCIL MEMBER NOTES

a) Council Member Zittel advised the Board the next Southtowns Planning Meeting is scheduled for Monday, January 27<sup>th</sup> at Coyote Café. Drinks start at 5:30 with dinner meeting at 6 p.m.

b) Supervisor Drozd advised that the State will be having classes for the fire departments on EV vehicles. There is one scheduled for Monday, January 13<sup>th</sup> and he will be attending that meeting to learn how to handle these situations safely. Supervisor Drozd asked the Board to RSVP to him if they would be able to accept the Springfield Fire Department's invitation to their Installation Dinner on January 25<sup>th</sup>.

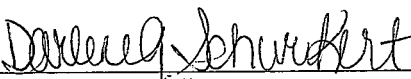
ITEM #7.      EXECUTIVE SESSION

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 8:07 p.m. in memory of:

Letha M. Belscher  
Leonard J. Stachowiak, Jr.  
Grover H. Riefler  
Richard E. Rupp  
Lee M. Luss  
Dean M. Endress  
Elsie M. Smith  
Robert B. Case



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 December 12, 2024 to January 7, 2025.

With twenty-seven days in this period the Highway Department

- The highway department plowed and sanded 19 days in this time frame.
- Replaced blown hoses on Tk#16 & Tk#19.
- Hauled sand on multiple days.
- Blended salt and sand on multiple days.
- Serviced Tk#16.
- Changed cutting edge and wing rubber on Tk#16.
- Adjusted wing rubber on Tk#19.
- Installed new wing rubber and shoes on Tk#14.
- Moved cutting edge segments on Tk#18.
- Repaired garage door wiring.
- Repaired lights on Tk#11 & Tk#16.
- Repaired road signs on Morton Road.
- Moved the freezer at Senior Center.
- Trimmed some roadside trees.
- Weighed all trucks, loaded for permits.
- Repaired safe hits on Kaiser Road,
- Replaced sander chain on Tk#11.

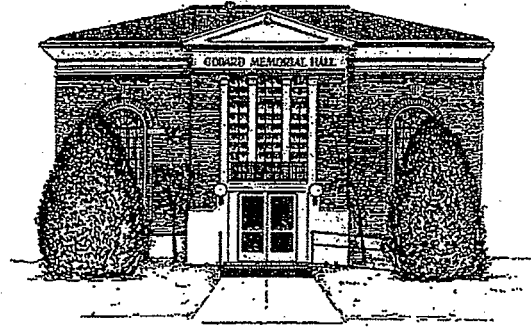
- Washed all trucks inside and out.
- Replaced air valve on Tk#14.
- Hauled snow out of library and Town Hall.
- Cleaned all shop floors and cleaned all drains multiple times.
- Cleaned shop, office, lunchroom and bathroom.
- Plowed parking lots at the Town Hall, library, Senior Center and water building.
- Cleaned out the Maplewood Cemetery two times.

Respectfully Submitted,

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

Barry A. Edwards,  
Highway Superintendent

Town of Concord



*Philip Drozd*  
Supervisor

*Clyde M. Drake*  
Deputy Supervisor

*Brian F. Attea*  
Attorney

*Kenneth D. Littel*  
Council

*Kenneth Kassel*  
Council

*Kimberly Krzemien*  
Council

## TOWN OF CONCORD CEMETERY FEE SCHEDULE

The following is the fee schedule for services associated with the Town of Concord Cemeteries, to wit: Evergreen Cemetery (a/k/a East Concord Cemetery), Mortons Corners Rural Cemetery and Spauling Road Cemetery, as approved by the Town Board of the Town of Concord on January 9, 2025 and August 10, 2023, respectively:

**Lot Sales:**

Price per Lot	\$700.00
Set of 4 Cornerstones	\$100.00

**Interments:**

Fully Body Adult	\$700.00
Full Body Infant	\$400.00
Cremaains	\$350.00

**Winter Burials:** Up to \$200.00\*

**Footer for Headstones:** \$350.00

\*Additional charges may be incurred for snow removal or penetration of frost based on the additional costs to the cemetery pursuant to Section 1509(d) of the NYS Not-for-Profit Corporation Law. Fee would include, but not be limited to snow plowing, snow removal, ice removal, etc.

**Town Hall • 86 Franklin Street • P.O. Box 368 • Springville, New York 14141 • (716) 592-4946**

THE TOWN OF CONCORD IS AN EQUAL OPPORTUNITY PROVIDER, EMPLOYER AND LENDER.

**LOT WORKSHEET**

**Town of Concord**  
86 Franklin Street, P.O. Box 368  
Springville, New York 14141  
(716) 592-4946

Date: \_\_\_\_\_

**CEMETERY (circle one):** East Concord Cemetery (Evergreen)   Morton's Corners Cemetery   Spaulding Rd. Cemetery

**Lot Each Price:**            \$700.00

**Total payment due in the amount of \$** \_\_\_\_\_

**Payment must be made prior to Deed Issuance:**

**Select one:**    Check Attached: \_\_\_\_\_    Check #: \_\_\_\_\_

**Check will be mailed to Town of Concord:** \_\_\_\_\_

**Names to be put on deed:**

(if) Single Name \_\_\_\_\_

(If) Joint Names \_\_\_\_\_

**Mailing Address:**

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Cell number: (    ) \_\_\_\_\_

Other number: (    ) \_\_\_\_\_

Email Address: \_\_\_\_\_

**Maiden Name:** \_\_\_\_\_

**Veteran:** Yes or No \_\_\_\_\_, if yes, what branch: \_\_\_\_\_

**Firefighter or Volunteer Firefighter:** Yes \_\_\_\_\_ No \_\_\_\_\_

**Lot(s) Selected: Section:** \_\_\_\_\_

**Row:** \_\_\_\_\_

**Grave # (s):** \_\_\_\_\_

**Next of Kin:**

**Relationship:** Circle one: Daughter/Son/Sister/Parent/Grandparent/Other: \_\_\_\_\_

Full Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Cell phone number: (    ) \_\_\_\_\_

Home phone number: (    ) \_\_\_\_\_



**Next of Kin continued:**

**Circle one:** Daughter/Son/Sister/Parent/Grandparent/Other: \_\_\_\_\_

Full Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Cell phone number: (\_\_\_\_) \_\_\_\_\_

Home phone number: (\_\_\_\_) \_\_\_\_\_

**Other notes or information for Town of Concord/Cemetery:**

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# **RULES AND REGULATIONS ADOPTED BY THE TOWN OF CONCORD BOARD ON JANUARY 9, 2025**

The following sets forth the Rules and Regulations for the Town of Concord Cemeteries, to wit: Evergreen Cemetery (a/k/a East Concord Cemetery); Morton's Corners Cemetery and Spaulding Road Cemetery (hereinafter collectively referred to as "Cemetery" or Cemeteries")

## **The Grounds**

1. All funerals, processions, and vehicles will be under the control of the Town of Concord while in the Cemetery.
2. Funerals must be at the Cemetery by 2:00 P.M. in order that the workers will have sufficient time to properly close the grave and remove equipment before 5:00 P.M.
3. All funerals, processions and vehicles will be under the control of designated persons by the Town of Concord while in the Cemetery. Said authority and control in no way assumes any liability normally assigned to those persons performing services under the direction of the Town of Concord personnel or officers.
4. All work done in the Cemetery shall be done by Town of Concord employees, volunteers, or under the control and with the permission of the Board of Trustees.
5. All persons shall be allowed access to the Cemetery during daylight hours, observing the rules, which are in effect at the Cemetery.
6. Cremated remains are not permitted to be scattered in any part of the Cemetery.

## **Lot Purchase and Transfer**

1. No interment shall be permitted, nor shall a Deed be issued, until the lot is fully paid for.
2. Except as provided for in Section 1513(c) of the New York State Not-for-Profit Law, no lot owner shall release, transfer, assign or sell their lot for valuable consideration without the approval of the Town of Concord.

## **Interment and Disinterment**

1. All lots in the Cemeteries are sold in accordance with the provisions of the laws of the State of New York and shall not be used for any other purposes than as a burial place for dead human beings and pet cremated remains as described in New York Cemetery Board Directive §1502(g).
2. Only one full burial and one cremated remain or two full cremains shall be permitted to be buried in each lot.
3. Lot owners are prohibited from allowing interments to be made on their lots for compensation.
4. No interment will be allowed without permission being first obtained by the Town of Concord. At the time of application for permission, the following information must be furnished:
  - a. Name of deceased;
  - b. Age of deceased, including date of birth, if known;
  - c. Place of birth of deceased, if known;
  - d. Date of death;
  - e. Time and date of interment; and
  - f. If not an adult, the names of parent(s) or legal guardian(s).
5. Interments in a lot are restricted to those entitled to burial therein according to the terms of §1512 of the New York State Not-for-Profit Law. Permission for burial of those not entitled to burial according to the said Section, must be filed with the Town of Concord by the lot owner(s).
6. Concrete vaults or concrete grave liners shall be required for interments for all graves purchased on or after October 1, 1992, in accordance with the provisions of Cemetery Board Directive 201.6.
7. The Cemetery requires that in every in-ground cremated body interment an urn or other receptacle containing the cremated remains shall be placed into an urn vault constructed from ABS plastic, wood, metal, porcelain or concrete approved by the Cemetery.
8. Interments on holidays shall be governed by New York Cemetery Board Directive 201.8 and 201.12.

9. Graves will not be opened during severe weather conditions or similar conditions, pursuant to Section 1510-b of the NYS Not-for-Profit Law. Bodies received at this time will be put in a receiving vault. However, such opening of a grave may occur during inclement weather, if conditions allow, and additional charges will be incurred.

10. Disinterments shall be allowed between May and October, provided there is compliance with all provisions of Section 1510(e) of the New York State Not-for-Profit Corporation Law.

### **Monuments**

1. All monuments or markers must be constructed of granite, marble, or bronze.
2. Monuments are restricted in size to the dimensions of 3 feet x 1 ½ feet for single lots, and 6 feet by 1 ½ feet for double lots.
3. One monument shall be allowed on each lot, with the exception of military plaques, and shall be set in accordance with the general plan of the Cemetery and shall conform to said plan in size and material.
4. The bases of all monuments shall be finished true and level so as to fit on foundations without wedging or sprawls.
5. All foundations will be constructed by or under the direction of the Town of Concord.
6. No monument will be allowed to be delivered to the Cemetery until the foundation is installed and ready to receive the monument.

### **Decorations and Embellishments**

1. All decorations and flowers left at a gravesite are placed there at the lot owner's or visitor's sole risk. The Cemetery is not responsible for items left at a gravesite.
2. Flowers and plants may be placed on either side or in front of the monument.
3. Flowers and plants should be placed in proper planters or receptacles, made of metal, plastic, clay, bronze, concrete, granite, or similar materials. The use of glass or other breakable flower or plant containers is prohibited.
4. Throughout the year, any items left on a gravesite, at the Cemetery's sole discretion may remove items not permitted pursuant to the Cemetery's Rules and all flowers, plastic flowerpots, wreaths, or other decorations from lots as soon as they become broken, damaged, unsightly, or hazardous without notice to lot owner.
5. Funeral flowers, wreaths, baskets, floral designs, and similar funeral decorations left at the gravesite following a funeral will be removed and discarded one week after burial.
6. No inground planting of any kind is permitted and will be removed.
7. No fencing or lot bordering is permitted.
8. The placing of shepherd-crooks, hanging flowers pieces, boxes, metal designs, or tributes having a similarity thereto shall not be permitted and will be removed by the Cemetery without notice to lot owner.
9. The Cemetery shall not be liable for damage to or loss of floral pieces, baskets or frames, flower vases or receptacles or any other tributes, which may have been placed on lots, damaged by the elements, thieves, vandals or from other causes beyond its control.
10. Lot owners and visitors may place a holiday wreath from December 1<sup>st</sup> to March 15<sup>th</sup> using a wire wreath easel at the head of the monument.

### **Cemetery Cleanup**

The Town will perform a comprehensive cleanup of the Cemeteries twice each year, provided that weather and other circumstances permit: during the last two weeks of April and the last two weeks of October or as soon thereafter as possible.

1. It is the lot owner or visitor's responsibility to check the gravesite and make sure that any items they consider to be valuable are removed prior to the cleanup dates.
2. On the cleanup dates, and for two weeks following the cleanup dates, all decorations, whether they are approved or not approved, including but not limited to wreath easels, ornaments, solar lamps, statues, flower posts, decorative stones and similar items, will be removed without notice to lot owner.
3. All items removed from a gravesite on cleanup dates by the Cemetery and not disposed of immediately will be placed on the Cemetery grounds, or other clearly designated area, where they will be held for pickup until the April cleanup and October 31<sup>st</sup> for the autumn cleanup, or until such other dates thereafter as weather and other

circumstances permit. No notification or removal of an item will be provided. It is the lot owner or visitor's responsibility to check designated areas for any items that have been removed from a gravesite. The lot owner may retrieve items that have been taken to the Service Building until the final discard date.

**Miscellaneous**

1. No alcoholic beverages or illegal substances are allowed on Cemetery property.
2. No recreational vehicles are allowed on Cemetery property.

**Amendments**

These rules and regulations may be amended by the Town Board of the Town of Concord.

Explanations and/or interpretations of these and other regulations, including current rates for services may be obtained by contacting:

Town of Concord  
Office of the Supervisor  
86 Frankling Street, P.O. Box 368  
Springville, New York 14141  
Email: [concordtownsupervisor@gmail.com](mailto:concordtownsupervisor@gmail.com)