

TOWN OF CONCORD TOWN BOARD MEETING June 12, 2025
7:00 p.m.

Prior to tonight's meeting, Nichole Ruf, Director at Drescher & Malecki, LLP, reviewed the Town's Audit with the Town Board Members; Members were provided copies of the Audit.

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

PETER SORGI, Attorney/RIC Energy ERIC WILLIAMS, Springville Journal

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 – 5/8/2025
 (2) Town Board Meeting – 5/8/2025
 (3) Special Town Board Meeting – RIC Energy – 5/8/2025

Motion by Council Member Drake, seconded by Council Member Zittel, to approve Consent Agenda, Items (a) 1-3. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

- b) Monthly Reports:
 (1) Code Enforcement Report – May 2025
 (2) Dog Control Officer Report – May 2025
 (3) Town Clerk Report – May 2025
 (4) Judge Frank Report – April & May 2025
 (5) Judge Gibbin Report – April & May 2025
 (6) Senior Director Report – May 2025
 (7) Assessor's Report – May 2025

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

ITEM #2 RESIDENT CONCERNS

Supervisor Drozd opened the floor for Public Comment; there were none.

ITEM #3 HIGHWAY DEPARTMENT

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

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

ITEM #4 OLD BUSINESS

a) KBWWTP – MDA Engineers had provided the Members with a Summary of all Active Projects and this project was detailed. MDA has been working with Sewer Operator Slotman on this project to gather more information from him. This project is going well.

b) KB Watermain Extension Project – The drawings have now been sent over to Rhett McNalty, the owner of Kissing Bridge so that his attorney can review them. Hopefully this will be ready for next month's Agenda. This is not a big project hooking up those residents to the watermain.

c) Community Engagement Team – Deputy Miller arrived at 7:18 p.m. This Item was discussed after Item 6.

d) CDBG Senior Center Garage – Supervisor Drozd updated the Board:

- The roof is now on the building; they are working on the sides. CEO Roberts was on site yesterday inspection.
- Bognar finished putting the trench in for the electric. Once the building is finished; the Town will put the electrical out to bid again.
- J. Bognar Payment Application #1 – MDA Consulting Engineers has recommended payment to J. Bognar for Payment Application #1 in the amount of \$42,932.83 which includes the 5% retainage. Motion by Council Member Zittel, seconded by Council Member Drake, to approve Payment Application #1 to J. Bognar in the amount of \$42,932.83 and authorize Supervisor Drozd to sign same. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

Supervisor Drozd reviewed some of the other projects on the MDA Summary of All Active Projects:

- Structural Review of the Highway Barn Mezzanine – Hwy Supt Edwards advised that the one plate still needs to be added to the inside above the office ceiling. Supervisor Drozd asked Hwy Supt Edwards to let him know when this was done so that our insurance representative can be notified. The other matter that needs to be finalized is the signage for the disc golf at Community Park.

- Hulbert Library – MDA had no update at this time. Supervisor Drozd advised that this has all been completed by Reding Inc. using the DiPietro grant money; paid for by the Library Board. The Town has been reimbursed by the Hulbert Library for the fountain. The old fountain is the same fountain that is at Community Park so the old fountain is now in the maintenance closet at Community Park so that the parts can be used to replace parts, as needed in the future.

ITEM #5 NEW BUSINESS

a) Audit of the Bills – Council Member Krzemien audited the Bills this month. General Fund (B), Voucher Number 486 was incorrect and will be amended to \$41.20.

Year 2025 Abstract 6:

General Fund (A), Abstract 6, \$101,185.31

General Fund (B), Abstract 6, \$22,704.20

Library Fund (L), Abstract 6, NONE

Fire Protection (SF), Abstract 6, NONE

Concord Senior Van (JV), Abstract 6, \$243.25

Joint Youth (JY), Abstract 6, NONE

Craneridge Sewer (SS1), Abstract 6, \$11,157.68

Highway Townwide (DA), Abstract 6, \$100.00
Highway Outside Village (DB), Abstract 6, \$122,222.45
Kissing Bridge Water (SW1), Abstract 6, \$1,555.33
Kissing Bridge Sewer (SS2), Abstract 6, \$2,088.96
Trevett Rd. Water (SW2), Abstract 6, NONE
Cattaraugus St. Water (SW3), Abstract 6, NONE
Trust & Agency, Abstract 6, NONE
Capital (HA) C. Sewer, Abstract 6, NONE
Capital (HB) Land, abstract1, NONE
Capital (HD) Catt St, Abstract 6, NONE
Capital (HE) Sr. Ctr, Abstract 6, NONE
Capital (HF) Hwy Equip, Abstract 6, NONE
Capital (HG) Waste Study, Abstract 6, NONE
Capital (HI) KB/CR Sewer Project, Abstract 6, \$4,579.40
Solar Energy (CM1) Spr Boston Rd, Abstract 6, NONE

Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve the bills in Abstract 6 with the correction for Voucher 486, totaling \$265,836.58. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

b) Local Law #2 of 2025 Extend Moratorium BESS – The Public Hearing was held earlier this evening.

Council Member Drake, moved the adoption of Resolution 7, seconded by Council Member Kassel:

Town of Concord
Local Law No. 2 of the Year 2025

A Local Law extending the temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for all Battery Energy Storage System Facilities in the Town of Concord pursuant to Chapter 150 of the Town of Concord Code in order to allow for the consideration and possible adoption of appropriate amendments to existing regulations pertaining to such land uses,

Be it enacted by the Town Board of the Town of Concord as follows:

SECTION I.
SHORT TITLE

This Local Law amends a prior Local Law known as “2024 Temporary Moratorium Law on Battery Energy Storage System Facilities” adopted by the Town of Concord on July 22, 2024.

SECTION II.
LEGISLATIVE FINDINGS

WHEREAS, the Town Board of the Town of Concord adopted Local Law No. 2 of the Year 2022 amending the Town of Concord Zoning Ordinance providing for the regulation of Battery Energy Systems within the Town of Concord. It is acknowledged that Local Law No. 3 of the Year 2024 previously established a one (1) year moratorium on the issuance of applications, permits or approvals for all Battery Energy Storage System Facilities in the Town of Concord in order for existing local laws and regulations to be updated, and

WHEREAS, the updates and revisions to the existing laws and regulations are currently under review and discussion, but additional time is required to complete the process of updating the same to address such concerns and issues and enact new laws, ordinances or regulations, and/or appropriate amendments to existing laws, ordinances or

regulations to properly address new and emerging technologies, community impacts, concerns or issues in a manner which is meaningful and consistent with the Town's Comprehensive Plan.

IT IS THEREFORE FOUND BY THE TOWN OF CONCORD TOWN BOARD that the Town Board of the Town of Concord hereby declares that no new applications shall be issued and no permits or approvals shall be granted by any officer, department, board or agency of the Town of Concord with respect to Battery Energy Storage System facilities in the Town of Concord pursuant to the Chapter 150 of the Town of Concord Code for an additional period of one (1) year from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

SECTION III. AUTHORITY

This Local Law is enacted pursuant by the Town Board of the Town of Concord pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and the Municipal Home Rule Law Section 10.

SECTION IV. MORATORIUM AND DURATION

The Town Board of the Town of Concord hereby declares that no new applications shall be issued and no permits or approvals shall be granted by any officer, department, board or agency of the Town of Concord with respect to Battery Energy Storage System facilities in the Town of Concord pursuant to the Chapter 150 of the Town of Concord Code for an additional period of one (1) year from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

SECTION V. SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION VI. EFFECTIVE DATE

This Local Law shall become effective immediately, as provided by law, upon filing with the New York Secretary of State.

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.

c) Local Law #3 of 2025 Extend Moratorium Solar Energy – The Public Hearing was held earlier this evening. The proposed local law was amended during Public Hearing to include the paragraph: "Notwithstanding anything contained herein to the contrary, the Local Law and Moratorium shall not apply to the continued review by the Town of Concord and other applicable government entities of solar energy projects that have been applied for and are under review including the issuance of any permits,

certificates of occupancy, and approvals for any such solar energy projects that have been applied for and are under review by the Town of Concord and other applicable government entities as of the date of enactment.”

Council Member Krzemien, moved the adoption of Resolution 8, seconded by Council Member Kassel:

Town of Concord
Local Law #3 of the Year 2025

A Local Law extending the temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for all Solar Energy System Facilities in the Town of Concord pursuant to Chapter 150 of the Town of Concord Code in order to allow for the consideration and possible adoption of appropriate amendments to existing regulations pertaining to such land uses,

Be it enacted by the Town Board of the Town of Concord as follows:

SECTION I.
SHORT TITLE

This Local Law amends a prior Local Law known as “2024 Temporary Moratorium Law on Solar Energy Facilities” adopted by the Town of Concord on July 22, 2024.

SECTION II.
LEGISLATIVE FINDINGS

WHEREAS, the Town Board of the Town of Concord adopted Local Law No. 1 of the Year 2021 amending the Town of Concord Zoning Ordinance providing for the regulation of Solar Energy System facilities within the Town of Concord. It is acknowledged that Local Law No. 4 of the Year 2024 previously established a one (1) year moratorium on the issuance of applications, permits or approvals for all Solar Energy System Facilities in the Town of Concord in order for existing local laws and regulations to be updated, and

WHEREAS, the updates and revisions to the existing laws and regulations are currently under review and discussion, but additional time is required to complete the process of updating the same to address such concerns and issues and enact new laws, ordinances or regulations, and/or appropriate amendments to existing laws, ordinances or regulations to properly address new and emerging technologies, community impacts, concerns or issues in a manner which is meaningful and consistent with the Town’s Comprehensive Plan.

IT IS THEREFORE FOUND BY THE TOWN OF CONCORD TOWN BOARD that the Town Board of the Town of Concord hereby declares that no new applications shall be issued and no permits or approvals shall be granted by any officer, department, board or agency of the Town of Concord with respect to Solar Energy System facilities in the Town of Concord pursuant to the Chapter 150 of the Town of Concord Code for an additional period of one (1) year from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

Notwithstanding anything contained herein to the contrary, the Local Law and Moratorium shall not apply to the continued review by the Town of Concord and other applicable government entities of solar energy projects that have been applied for and are under review including the issuance of any permits, certificates of occupancy, and approvals for any such solar energy projects that have been applied for and are under review by the Town of Concord and other applicable government entities as of the date of enactment.

SECTION III.
AUTHORITY

This Local Law is enacted pursuant by the Town Board of the Town of Concord pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and the Municipal Home Rule Law Section 10.

SECTION IV.
MORATORIUM AND DURATION

The Town Board of the Town of Concord hereby declares that no new applications shall be issued and no permits or approvals shall be granted by any officer, department, board or agency of the Town of Concord with respect to Solar Energy System facilities in the Town of Concord pursuant to the Chapter 150 of the Town of Concord Code for an additional period of one (1) year from the effective date of this local law, unless earlier terminated by other local law, duly adopted.

SECTION V.
SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, or part or provision of this Local Law shall not affect the validity of any other part of this Local Law which shall be given effect.

SECTION VI.
EFFECTIVE DATE

This Local Law shall become effective immediately, as provided by law, upon filing with the New York Secretary of State.

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) NYS Court System Resolution - Nichole Ruf, Director at Drescher & Malecki, LLP, reviewed the Town Audit for Fiscal Year Ending December 31, 2024, with the Town Board Members earlier this evening. The Town can now comply with the NYS Unified Court System requirement to file the Resolution.

Council Member Drake moved the adoption of Resolution 9, seconded by Council Member Zittel:

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires every justice of a village or town to submit his records and docket to the auditing board of said village or town; and

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Justice Court records shall be examined and audited by said auditing board or a certified public accountant.

NOW, THEREFORE BE IT RESOLVED that the audit and examination of the records of the Concord Town Justices for the year ended December 31, 2024 was performed by the auditing firm of Drescher & Malecki LLP; and

BE IT FURTHER RESOLVED that the findings of said audit and examination were presented to the Town Board of the Town of Concord.

Voting as follows:

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

e) Approve Right of Entry Form for Use by Highway Department – Last month the Board approved a culvert permit; this form was prepared by Town Attorney Attea and Secretary Heyden and will allow the Town Highway Department to enter a property to drop off any ditch diggings. Council Member Krzemien asked what would happen if a resident did not want to sign the form; Hwy Supt Edwards said that the resident would not get the ditch material. Motion by Council Member Drake, seconded by Council Member Zittel, to approve the Right of Entry Form as presented and attached to the Minutes. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

f) Gold Star Feed Request to Use Senior Center Parking Lot; Tuesday, July 15th – The Board approved Gold Star Feed & Grain's use of the Senior Center Parking Lot for the last three years and there were no problems. Motion by Council Member Krzemien, seconded by Council Member Zittel, to approve the request of Gold Star Feed & Grain to use the Senior Center Parking Lot for their customer appreciation luncheon to be held on Tuesday, July 15th. The Town will be provided with proof of insurance naming the Town as an additional insured and the Indemnification/Hold Harmless form. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #6 COUNCIL MEMBER NOTES

1. Supervisor Drozd reminded everyone that:

- Thursday, July 3rd is the Music in the Park at Community Park. The band has been confirmed; as well as the fireworks. The Kiwanis Club will be doing food at the event. There will be an Ad in the Springville Journal with details.
- Friday, July 18th is the All-Class Reunion and the Car Show is Sunday, July 20th. There is a lot of work that goes into these festivals; people donate a lot of time for these events.
- There is grant money from Legislator Lorigo and the Town will be purchasing tables for Community Park. Supervisor Drozd spoke with the Highway Department and it was suggested to purchase a tool box/bench for the Community Park so that there will be some tools at Community Park and the men don't have to drive back to the Highway Barn to get tools.

2. Hwy Supt Edwards advised the Board:

- The Highway Department will not be taking off the week of July 4th as they have done in the past.
- The new Dodge truck is here. Supervisor Drozd asked what was happening with the old Fords. Hwy Supt Edwards said a representative from Teitsworth Inc. was here today taking pictures; the representative said that if he gets \$10,000 for the trucks, he'd be lucky. The one truck needs a \$1,300 low pressure fuel pump and turbo is gone in the other truck. These should be up the beginning of next week. Supervisor Drozd said that these vehicles have served the Town well and the Town just has to get what we can out of them at auction for the market and the condition the trucks are in.

- The Board will need to get the information together for the Local Law for signage. Supervisor Drozd said this may be ready for next month.

ITEM #4 OLD BUSINESS

c) Community Engagement Team – Deputy Miller arrived at this point in the meeting and he updated the Board on the recent activities in the Town. Deputy Miller apologized for missing the May meeting; Supervisor Drozd said he understood that Deputy Miller was presented with an award that evening for the Safety Plans he put together for the businesses and school. Supervisor Drozd said that the Town Board owes Deputy Miller a deep amount of gratitude for what he has done for the community and congratulated him on the award; Deputy Miller thanked the Board. Deputy Miller noted that there were 45 traffic stops and two arrests; they executed some search warrants for narcotics. Deputy Miller had presented all of their Team's statistics from the last couple of months up the chain of command and the department did a couple of details in the area. The whole Unit was here; two district cars and a Village car and they made contact with some of the problem houses; preventative measures with the summer months coming up.

Supervisor Drozd asked Deputy Miller if the All-Class Reunion and Craft/Car Show dates were on his calendar; these events are on his calendar. Council Member Zittel said there's an event for firemen for airplane crash preparedness; this information will be emailed to Deputy Miller. Supervisor Drozd reminded Deputy Miller that the Town Concert and Fireworks will be July 3rd at Community Park with music starting at 7 p.m.

Council Member Zittel thanked the Department for the good work they are doing on North Street with the School Zone.

Deputy Miller advised that he went to the Concord Senior Center last month to do a crime prevention lecture. Discussed crimes that were being conducted locally. Supervisor Drozd noted that more lumber is on site at the Senior Center and would appreciate the Department driving by and checking on the site. Senior Director Hunt had contacted Deputy Miller about a homeless man and what he is doing at the Center (charging his phone). Supervisor Drozd asked Town Attorney Attea if the Town to research if the Town can tell someone who has no business being on the property to leave. Could this be handled as trespassing? Town Attorney Attea said that breaking a Town Code or NYS law, verbal altercation/harassment, is different than just saying he can't be on premises. There is a distinction between his right to physically being on the premises and his right to access some of the services; the criteria of the particular programs will determine if he is eligible. To the extent that he does not meet the criteria because he is not a Senior, then he is not eligible for the program. Council Member Krzemien asked how many homeless people are now in Concord; there are three. The Team is monitoring them; they are keeping to themselves.

Deputy Miller noted that the Team did a sweep of the Erie Cattaraugus Rail Trail and cleaned up a lot of the trail picking up the junk; he coordinated with ECRT and the Village to clean up; from Waverly Street to behind Lowe's.

Deputy Miller advised that he reviews all the calls that happen and advises the public to call. If residents don't call, the Team doesn't find out. He noted that the Team has a Facebook page and he can follow all the local Facebook pages.

Deputy Miller said that the Team can stop by Community Park when baseball games are playing and at other times. Hwy Supt Edwards will email Deputy Miller the updated schedule.

ITEM #7 EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session will be necessary to discuss a personnel matter. Motion by Supervisor Drozd, seconded by Council Member Zittel, to go into Executive Session at 7:41 p.m. for possible litigation. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

Motion by Council Member Drake, seconded by Council Member Zittel, to come out of Executive Session at 7:53 p.m. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #8 MOTION TO ADJOURN

Motion by Supervisor Drozd, seconded by Council Member Krzemien, and passed unanimously, to adjourn the meeting at 7:53 p.m. in memory of:

Keith Scharf
Penney E. Kester
Jack B. Willibey, Jr.
Marion M. Jaeger
Bonnie R. Perry
George A. Donhauser
Lawrence J. Balog
Doris Clay
Denise Steiner
LeFern S. Joslin, Jr.
Florence M. Land
Gary F. Hayden



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

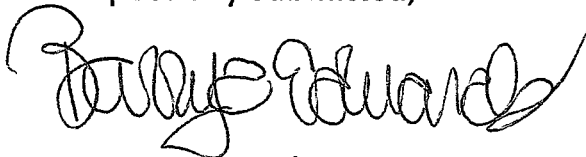
Highway Superintendents Report for the period of May 6, 2025 to June 10, 2025.

With thirty-six days in this period the Highway Department:

- Repaired wiring on TK#18.
- Performed spring check over on TK#11.
- Continued ditching on various roads.
- Repaired potholes at the Town Hall and on Dowd Road.
- Turned on water at the Town Park.
- Mowed cemeteries and the Senior Center.
- Hauled crushed run limestone from Woodruff Gravel.
- Hauled 1A stone from County Line Stone.
- Replaced driveway culverts on Kern Road.
- Cleaned up and repaired old restrooms at Town Park.
- Cleaned out the flower bed at the Town Library.
- Cleaned up scrap and took to Preivity's.
- Made TK#16 & TK#19 ready for auction.
- Made a pad at the water building for a propane tank.
- Rolled lawn at the Town Library.
- Continued to sweep roads.
- Installed new wiper in bed of TK#11.
- Repaired mower on Town Park tractor.
- Replaced brake chamber and hydraulic hose on TK#11.
- Picked up debris on Scoby Hill Road.
- Cleaned up the down tree at Spaulding Road cemetery.

- Repaired slide spot on White Street.
- Replaced air valve for the hydraulics on TK#18.
- Started mowing Town road shoulders.
- Hauled stone for the Village of Springville.
- Milled roads for the Village of Springville with two of the Town trucks.
- Cleaned all shop floors and drains.
- Cleaned and washed all trucks.
- Cleaned office, lunchroom and restroom.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Barry A. Edwards". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Barry A. Edwards,
Highway Superintendent

RIGHT-OF-ENTRY

The undersigned, as residents of the Town of Concord and as owners of property at and

commonly known as _____
(insert address)

located in the Town of Concord, County of Erie and State of New York, which land is adjacent

to _____, a public highway owned by the Town of
(insert Street/ Road)

Concord, do hereby authorize the Town of Concord and any of its officers, employees, contractors, subcontractors or agents to enter onto our property for the purpose of completing the following work:

We do hereby release the Town of Concord, its officers, employees, contractors, subcontractors and agents, from any claim of trespass, and authorize their entry onto our property for as long as may be required and until such time as the work described above is completed.

Home owner: _____

Address: _____

Phone Number: _____

Date: _____