

TOWN OF CONCORD TOWN BOARD MEETING May 8, 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
 LAURA SAFFORD, Deputy Town Clerk
 BARRY A. EDWARDS, Hwy Supt.
 BRIAN F. ATTEA, Town Attorney

PETER SORGI, Esq. ERIC WILLIAMS, Springville Journal
RHETT McNULTY

INVOCATION DELIVERED BY TOWN CLERK SCHWEIKERT

PLEDGE TO THE FLAG LED BY COUNCIL MEMBER KASSEL

ITEM #1 CONSENT AGENDA

- a) Approval of Minutes:
 - (1) Work Session – 4/10/2025
 - (2) Town Board Meeting – 4/10/2025
 - (3) Public Scoping Meeting – RIC Energy 5/1/2025

Motion by Council Member Drake, seconded by Council Member Krzemien, 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 – April 2025
- (2) Dog Control Officer Report – April 2025
- (3) Town Clerk Report – April 2025
- (4) Judge Frank Report – March 2025
- (5) Judge Gibbin Report – March 2025
- (6) Senior Director Report – April 2025
- (7) Assessor's Report – April 2025

Motion by Council Member Zittel, seconded by Council Member Kassel, 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. No one wished to address the Board. Supervisor Drozd introduced Rhett McNulty to the Board. Mr. McNulty is the new owner of Kissing Bridge. Supervisor Drozd and Mr. McNulty have met several times; he's doing a great job. It's great to see that somebody bought the resort and has a vision for the future of Kissing Bridge. Mr. McNulty said it is a lot of work ahead and he's excited about what the future may bring to the resort.

ITEM #3 HIGHWAY DEPARTMENT

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

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

ITEM #4 OLD BUSINESS

a) KBWWTP – Supervisor Drozd updated the Board on this project. This was reviewed briefly during Work Session. Mr. McNulty will be meeting with his engineer and Mr. Henning, MDA Engineers, to review this project. Mr. Henning did not believe it would be a conflict of interest if he also worked with Mr. McNulty on some of the engineering work that Mr. McNulty would like done at Kissing Bridge. Supervisor Drozd noted that Mr. McNulty has already given the Town a gentleman's agreement if the Town needs to acquire a little bit more land for the new plant; he thanked Mr. McNulty for that.

b) KB Watermain Extension Project- The MDA Engineers' Summary of Projects noted that there was a slight delay on this project, but it is moving forward. There was a resident there that had a sewer issue. Sewer Operator Ben Slotman indicated that it was not the Town's problem; it was the property owner's problem. The property owner had a couple contractors coming to review the issue and provide input. It is a sewer line break off the right of way, right by the home.

c) KB Water Plant – Generator – Supervisor Drozd received one quote for this generator. The Town cannot go with a gas or diesel generator at this location. There is no National Fuel line in that area. Sewer Operator Ben Slotman and Caleb Henning, MDA Engineers, reviewed the quote. The generator is going in the back of the building. Supervisor Drozd questioned if this could be charged to Buildings or does it need to be charged to the District? Town Attorney Attea advised that the use and benefit is to the District. The generator is in stock so this can get done in a quick timeline. Water Operator Domes will handle this with the State and the County. Council Member Zittel asked if this was the only quote received; it was. Supervisor Drozd mentioned that Holland Propane did this same generator for the Town of Great Valley for their small water district; Supervisor Drozd reached out to Great Valley and they have had no problems with the generator. The pad, conduit and switch are all there; the Town will not have to buy any of that because there was a generator there. The old generator was manual and this one will be automatic so if the power goes off, it will come on automatically. No one will need to go to the Plant to switch it over. Council Member Zittel asked if this would include a maintenance contract; Supervisor Drozd said it has not yet been set up but thinks that they should go up there at least one a year to test it out, run it and make sure it is running appropriately. Council Member Zittel believes that there should be a maintenance contract. Supervisor Drozd informed the Board that the procurement policy requires two quotes but he will write up a cover sheet noting that there is no National Fuel gas in this location and it is not practical to put a gas or diesel generator there because of the gelling of the fuel; gas will go bad, etc.; plus this generator is going to last. Supervisor Drozd doesn't see any other options; this is a project that has been being looked at for a while now. Motion by Council Member Zittel, seconded by Council Member Krzemien, to accept the April 23, 2025 quote in the amount of \$15,445 from Holland Propane for the generator. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

d) Senior Center Garage-CDBG-Charge Order Electrical – This was discussed earlier this evening during Work Session. A copy of this Change Order was provided to the members. J. Bognar Construction has agreed to Change Order No. 1 in the amount of \$2,100 to trench and put in the electrical conduit for the new garage at the Senior Center. This Change Order includes the cost to install a 1.5" sch 80 conduit between the existing Senior Center building and the new garage building. This includes

all excavation, materials, backfill, and restoration (including sidewalk). It will then be all ready for an electrical contractor to come in. Supervisor Drozd advised that this cost will be paid out of the Building fund. Motion by Council Member Drake, seconded by Council Member Zittel, to approve Change Order No. 1 and authorize Supervisor Drozd to sign same. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

e) RIC Energy – The Board needs to set a Special Town Board meeting with regard to the Final Scoping Document. Caleb Henning, MDA Engineers, has requested the date be set for Monday, May 19, 2025, during the day. After discussion the Board agreed to May 19, 2025, at 9:30 a.m. Council Member Krzemien will be out of town of vacation; Council Member Kassel will either attend in person or by video conferencing depending on his recovery from his medical procedure. Council Member Zittel will be abstaining in any motion presented at the meeting. Council Member Krzemien may also be available to video conference into the meeting. Supervisor Drozd noted that video conferencing is still allowed; that has not yet been lifted. Council Member Kassel will keep the Board updated on his recovery. The particulars of this meeting will be set up as the time gets closer.

f) Community Engagement Team - Deputy Miller and Deputy Mohawk were not in attendance at this meeting.

Supervisor Drozd asked for a motion to add (g) EDF Renewables Solar Project to Old Business. Motion by Council Member Krzemien, seconded by Supervisor Drozd, to add (g) EDF Renewables Solar Project to Old Business. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

g) EDF Renewables Solar Project – Supervisor Drozd received an email on May 7, 2025, from Jonathan Geldard, Project Manager, at EDF Renewables. This is the company doing the Collins Wind Project on Genesee Road (west) and the Genesee Road (east) Solar Project with the Town of Concord and Town of Sardinia. The Genesee Road (west) project consisted of the Towns of Collins, North Collins, Eden and Concord. Supervisor Drozd read the email into the Minutes: “I am writing to formally notify the Town of Concord that we are terminating the Genesee Road Solar and Collins Wind projects. This decision was difficult, as our team has worked diligently over the past few years to explore successful pathways for these projects. However, we have ultimately concluded that the best course of action for our landowners is to terminate the projects, allowing them to pursue other revenue opportunities with their lands. We sincerely thank the Town for your time, efforts, and partnership on these projects, and we wish you continued success on endeavors towards the future. Please feel free to reach out anytime with any questions.” This does not require a motion; it is just entered in the public record. Supervisor Drozd has been in contact with the Town of Collins Supervisor who had received a personal call from a higher up representative in the company as well as this email. The bulk of the Genesee Road (west) project was in Collins. Eden got the same email as Concord. Council Member Drake advised the Town will have to do a final accounting and any money left in the EDF renewable escrow funds may need to be returned. Supervisor Drozd already sent an email to Mr. Geldard asking the proper procedure for escrow money; the Town is waiting for his response. Town Attorney Attea noted that if there are any other fees or expenses owed to the Town, those would come out of the escrow and any balance should go back to the company. This escrow was set up separately from the Town funds.

ITEM #5 NEW BUSINESS

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

Year 2025 Abstract 5:
General Fund (A), Abstract 5, \$70,586.36
General Fund (B), Abstract 5, \$375.69
Library Fund (L), Abstract 5, \$1,657.29
Fire Protection (SF), Abstract 5, NONE

Concord Senior Van (JV), Abstract 5, \$196.65
Joint Youth (JY), Abstract 5, \$23,246.20
Craneridge Sewer (SS1), Abstract 5, \$2,752.85
Highway Townwide (DA), Abstract 5, \$6,236.35
Highway Outside Village (DB), Abstract 5, \$24,345.85
Kissing Bridge Water (SW1), Abstract 5, \$369.93
Kissing Bridge Sewer (SS2), Abstract 5, NONE
Trevett Rd. Water (SW2), Abstract 5, NONE
Cattaraugus St. Water (SW3), Abstract 5, \$412.00
Trust & Agency, Abstract 5, NONE
Capital (HA) C. Sewer, Abstract 5, NONE
Capital (HB) Land, abstract1, NONE
Capital (HD) Catt St, Abstract 5, NONE
Capital (HE) Sr. Ctr, Abstract 5, NONE
Capital (HF) Hwy Equip, Abstract 5, NONE
Capital (HG) Waste Study, Abstract 5, NONE
Capital (HI) KB/CR Sewer Project, Abstract 5, \$40,682.60
Solar Energy (CM1) Spr Boston Rd, Abstract 5, \$1,549.40

Motion by Council Member Kassel, seconded by Council Member Zittel, to approve the bills as presented in Abstract 5, totaling \$172,411.17. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

b) Cemetery Fee Schedule – This was discussed at the April 10, 2025 Board Meeting and tabled for review by the Board. Council Member Krzemien noted that the Summer time rates don't really bother her but the Winter time rates do. Right now, up to \$200 is approved for a Winter burial but according to State law, if someone passes away and wants to do a burial in Winter, the Town has to make every effort to accommodate their request. Mike Conner is the person who usually digs for the Town in the Mortons Corners Cemetery and he wants to charge \$850 for one grave (dig and backfill) and \$350 for a cremation burial in the Winter and the Town current fee for a burial is \$700/cremation \$350. Extras noted by Mr. Conner are \$270 to plow and the cost of sand and salt. Council Member Krzemien stated that potentially it could cost someone \$1,200 to \$1,500 for a Winter burial. There's no water on site; there's no parking; a lot of extra work. Supervisor Drozd wondered if the Town could do Winter burials at actual cost and give a copy of the invoice to the family. Town Attorney Attea advised the Board that they can do whatever they want with the rates; a grieving family may look at this and say it is a significant expense. Council Member Krzemien noted that the Town does not want to make money on these burials but the Board does need to approve the Cemetery Fee Schedule. Supervisor Drozd would like to say that Winter burials are actual cost from the contractor. Town Attorney Attea noted that depending on the time of Winter, this could be a tremendous undertaking. Council Member Krzemien recalled one Winter burial this last year in Mortons Corners and it was a tremendous undertaking. They had to plow three times because it was the week of all the snow. Council Member Krzemien advised that the Board could approve it set by Ike's Land Developing. Mr. Conner sends out these estimates at least every other year for the Town to review and sign. Supervisor Drozd does not want the contractor's name on the motion but agrees that it should be the actual cost per the contractor; the Town should not make any money on this. The Town does not have to go to the Division of Cemeteries to get approval; just the Town Board approval. Lot sales, internments will stay the same with the only change being "Winter burials as per actual cost of contractor." Motion by Supervisor Drozd, seconded by Council Member Krzemien, to set the cemetery fees as he just reiterated above and authorize Supervisor Drozd to sign same. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried. The Town Cemetery Fee Schedule will need to be updated to show this change.

c) Adopt Updated Driveway/Right of Way Work Permit – This was discussed earlier this evening in Work Session. The fees for these permits are the current fees Erie County charges. Motion by Council Member Drake, seconded by Council Member Zittel, to approve and adopt the Updated Driveway/Right of Way Work Permit and fee schedule as presented. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

d) Appointment – Affirmative Action Officer: Supervisor Drozd, Alternate Council Member Drake – Erie County provides training seminars for the Affirmative Action Officers; Bill Snyder was the last representative from the Town to attend a training session when he was a Council Member. Supervisor Drozd and Council Member Drake will attend the zoom training for the Town. Motion by Council Member Krzemien, seconded by Council Member Zittel, to appoint Supervisor Drozd as Affirmative Action Officer and Council Member Drake as Alternate. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

e) Establish \$100 Petty Cash for Highway Department – Supervisor Drozd had a discussion with Hwy Supt Edwards and Deputy Hwy Supt Heims about establishing a petty cash fund at the Highway Department to cover some of the small purchases. Many towns have petty cash at their Highway Department; this was just overlooked at our Town. This would be for anything under \$10 that the Highway Department needs to buy from a local vendor or someone that the Town doesn't have an account with; the money would come out of petty cash and then the Highway Department will bring the receipts and voucher for replenishment. This will alleviate putting in a voucher for small items and the cost of an envelope and stamp. Motion by Supervisor Drozd, seconded by Council Member Krzemien, to establish a \$100 Petty Cash fund for the Highway Department. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

f) Set Public Hearing date – Extend Moratorium BESS Energy 6/12/25 at 6:30 p.m. – Motion by Council Member Krzemien, seconded by Council Member Drake, to set the Public Hearing for the purpose of considering Proposed Local Law No. 2 which would impose a one-year extension on the existing moratorium on the issuance of applications and permits for all Battery Energy Storage System facilities in the Town of Concord. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

g) Set Public Hearing date – Extend Moratorium Solar Energy 6/12/25 at 6:45 p.m. – Motion by Council Member Drake, seconded by Council Member Krzemien, to set the Public Hearing for the purpose of considering Proposed Local Law No. 3 which would impose a one-year extension on the existing moratorium on the issuance of applications and permits for all Solar Energy System facilities in the Town of Concord. Council Members Drake, Krzemien & Kassel; Supervisor Drozd, voting aye; Council Member Zittel, abstained. Carried.

h) Authorize Highway Department to send two Trucks to Auction – Ford Super Duty 2015 F550 VIN 1FDUF5HT5FED30395 and Ford Super Duty 2015 F550 VIN 1FDUF5HT7FED30396 - Motion by Supervisor Drozd, seconded by Council Member Kassel, to authorize the Highway Department to send the two F550s, as identified above, to auction. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

i) Senior Center Parking lot – crack sealant – Supervisor Drozd reminded the Board that the parking lot was sealed last year with the grant money but over the Winter it heaved in a few spots; there's some cracking and the Town should at least hot crack seal this year. The sealing could probably wait until next year. Supervisor Drozd received an estimate from Superior Seal for between \$1,375 to \$1,937.50. The measurements have been taken but the estimate range is to give a bit of leeway in case the asphalt prices go up. Superior Seal is a local contractor and they did the sealing last year. This cost would come out of Building fund and it will be done after the new garage is complete. Motion by Council Member Kassel, seconded by Council Member Drake, to approve the Superior Seal estimate for crack sealant for the Senior Center parking lot as detailed above. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

Supervisor Drozd asked for a motion to add (j) Twelve Springs Church Request to use Town Hall to New Business. Motion by Council Member Kassel, seconded by Council Member Zittel, to add (j) Twelve Springs Church Request to use Town Hall to New

Business. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

j) Twelve Springs Church Request to use Town Hall - Supervisor Drozd read the request into the Minutes. "We, the congregation of the Twelve Springs Church of Springville, are seeking to utilize the indoor space in the Town Hall for our Sunday morning worship services on the following dates: June 8th, July 13th, July 20th, July 27th, August 3rd, August 10th, and August 17th. We typically meet at Springville Center for the Arts but there is a conflict with these Sunday's due to some Art Crawl clean up and various summer kid's programs that take place at the Center. We would be in the Town Hall from roughly 10 a.m. - 1 p.m. each of these Sundays. Awe would oversee all cleaning efforts as well as anything else the board may desire. The facility would be left in the same condition as we find it. Please reach out to Paul Williams or Caleb Spaulding with any further questions. Thank you so much for your consideration. It is much appreciated." Council Member Drake asked if they were asking for the Auditorium; Town Attorney Attea noted that the Town should make sure that the Church specifies the space and the use of the restrooms. Council Member Drake assumes they would have to put the chairs up and take them down. Tables and chairs are up there as well as a podium. Council Member Zittel noted that if the first use doesn't go well, the Board should review this again. They would be responsible to make sure the lights are off and the building is secure. Council Member Drake advised that the windows in that room are delicate too. Town Attorney Attea asked what the Town's policy is with the key and locking up the building. The key would need to be picked up the Friday before and returned each use; they would not be keeping the key for the duration. Town Clerk Schweikert advised that the Town Hall is not used often by groups outside of regular office hours. Council Member Zittel asked if the Church would put a deposit down for the key. Supervisor Drozd went over the stipulations: Insurance Certificate (Town Attorney Attea noted that they need to enter into an agreement to indemnify and hold the Town harmless for any liabilities while using the facilities), more specify the rooms to be used; Town Attorney Attea will help the Town finalize the use. Supervisor Drozd asked if the Board wanted to charge the regular \$25 rental fee or waive that fee? Council Member Drake advised that the brick-and-mortar churches do not have the space for free. Council Member Zittel said the Town is setting precedence; Town Attorney Attea advised that that would be the Town's concern. Council Member Krzemien noted that if the Town rental fee is \$25, charge \$25. Town Attorney Attea said \$25 like any other group and if anyone, out of the goodness of their hearts, wants to donate that on the Church's behalf, they can certainly do that but from the Town's perspective, use of the facility has that fee. Council Member Drake wants to make sure that this is a temporary arrangement; not every Sunday for \$25. Supervisor Drozd also thinks that it should be stipulated that they cannot park in the parking spaces identified for Supervisor, Judge and Town Clerk just in case there is an arraignment. This will allow for the Judge and transport to use those parking spots. Motion by Supervisor Drozd, seconded by Council Member Zittel, to approve the Twelve Springs Church of Springville use of Town Hall for the dates listed above with the standard fee and other stipulations that will be finalized by the Town. Council Members Drake, Zittel, Krzemien & Kassel; Supervisor Drozd, voting aye. Carried.

ITEM #6 COUNCIL MEMBER NOTES

1) Council Member Kassel advised that West Valley Demonstration Project representatives would like to have a meeting to inform the community about what is going on. Council Member Kassel wanted to know if the Town would allow them to use the Senior Center for a public meeting. There is a new contractor there now. Council Member Kassel noted that everything now is underground. Supervisor Drozd advised that he did go down, by invitation, to meet with the new contractor there as did the Town of Ashford Supervisor; just to meet up with the Supervisors to see if there were any questions. This plant will be here for a while still; another 50 years at least. These new contractors have a 15-year contract. Supervisor Drozd thinks the Town should allow West Valley Demonstration Project to use the Senior Center for a public meeting; or the Auditorium at Town Hall. Council Member Kassel will follow up and arrange date for this public meeting.

2) Council Member Krzemien advised that the Springville Field & Stream will be having their annual Chicken BBQ on June 1st.

3) Council Member Krzemien advised that the SYI Little League Baseball season is starting this month and the Opening Day ceremonies will be on Saturday, May 17th at 2 p.m. at Community Park. Formal invitations are coming; they would like to have town and village officials present.

4) Council Member Zittel advised that the Pageant of Bands is May 17th at 1 p.m. Supervisor Drozd asked if anyone would like to be a judge for that event; Deputy Town Clerk Safford might be available. She will follow up with Supervisor Drozd to get the details. Supervisor Drozd had an email from SGI Scott Roudenbush.

5) Supervisor Drozd noted that Legislator Lorigo will be at the Springville Board Room, 65 Franklin Street/Upper, on Tuesday, June 10th, from 6 to 7:30 p.m. to listen to constituent's concerns. He encouraged the Board members to attend.

6) Council Member Krzemien asked if Supervisor Drozd wanted to provide an update on the meeting they had with Town Attorney Attea and Drew Reilly, Wendel Companies, in regard to the updating of the solar and BESS laws. Town Attorney Attea advised that those are work in progress. He continued that it was a very productive meeting and they were brought up to speed about a lot of changes in technologies and laws of numerous other municipalities and all of that information is being compiled so that Wendel Companies can deliver a report that will help provide guidance for the Town to implement some of the changes that the Town might anticipate they need but until the Town gets that report, there is not a whole lot more to share.

7) Supervisor Drozd updated the Board with regard to the BridgeNY Ross Road project. Since the last meeting, the Town did get an invoice from Azar Associates. Secretary Heyden has taken this project on and had some training on it the other day. Supervisor Drozd thanked Secretary Heyden for her efforts; she's doing a great job. One invoice in the amount of \$29,000 was submitted to the State which the Town will get reimbursed. BridgeNY works that the Town pays the bill, submits the invoice with the backup paperwork and then gets reimbursement. This project is moving along.

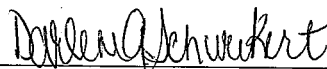
ITEM #7 EXECUTIVE SESSION

There was no Executive Session tonight.

ITEM #8 MOTION TO ADJOURN

Motion by Supervisor Drozd, seconded by Council Member Zittel, and passed unanimously, to adjourn the meeting at 7:51 p.m. in memory of:

Jeanne M. Schweickert
Jill M. Crow
Violet J. Lermينياux
Richard C. Osborne
Kimberley J. Miller
Richard J. Randall
June B. Stroh



Darlene G. Schweickert
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 April 8, 2025 to May 5, 2025.

With twenty-eight days in this period the Highway Department:

- Plowed one time in this time period.
- Continued to sweep roads.
- Finished ditching on Spaulding Road.
- Started ditching on Kern Road.
- Repaired fuel issue on JX90U.
- Repaired leaking water line at the Town Park.
- Installed rebuilt hydraulic manifold on the bucket truck.
- Mowed back brush on White Street.
- Removed plow equipment from Tk#11,13,14, & 18.
- Performed spring check over on Tk#11,13,14, & 18.
- Took Tk#14 to Brute Spring to have leaf springs replaced.
- Went to Work Zone training in Boston.
- Turned on drinking fountains at the Town Park.
- Cleaned all trucks inside and out.
- Cleaned up debris on all road sides from wind damage.
- Continue to clean break room, restroom and office.

Respectfully Submitted,



Barry A. Edwards,
Highway Superintendent