

Abdo left the area, there was no garbage left on all those acres. Mr. Abdo noted that he and his son went around the entire area to canvas for garbage and the whole place was green except one white glob and when they got to it, they saw a block of ice! The fire pits were cleaned up too. Mr. Abdo had a conversation with Donna Wittmeyer, the property owner, at the end of the event and she was amazed that the event went too well to have it just one time. Today Mr. Abdo submitted a Special Use Application to have the event again in September 2024. Supervisor Drozd noted that the Town did not receive any negative comments on the event. Mr. Abdo said that everyone was well behaved; he had made the sheriff and state police aware of the event and did see them a couple of times. Mr. Abdo noted that participants on the bike trail ranged in age from 12 to 70 years and on the Motor Cross there was a minimum age of 16 set and there were a couple of participants that rode were 80 years old. There were a total of 452 riders with some coming from Panama, Canada, Newfoundland and Australia. Supervisor Drozd noted that Mr. Abdo put a lot of effort into this event; hats off to him. Mr. Abdo said he had a lot of great help along the way.

No one else wished to address the Board

ITEM #3 HIGHWAY DEPARTMENT

a) Hwy Supt Edwards asked the Board to receive and file the Highway report. He also thanked Crew Chief Heim for all he does to assist.

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

ITEM #4 OLD BUSINESS

a) Community Park Pavilion Project Update/DASNY Grant – Supervisor Drozd updated the Board on the Community Park Pavilion Project:

(1) The water testing to date has been all good. One more test will be done for October and then the Pavilion will be shut down for the Winter season.

(2) The electric meter has been relocated to the outside of the building. This will be the last bill for this project. The cost is approximately \$1,350.

(3) Alliance Homes came back and finished the Electric Room. Shelving will need to be purchased. The Mechanical Room is about 4' larger than the old one.

(4) On September 26th, Supervisor Drozd met with the Erie County Health Department for their final walk through and got their approval. Their report showed no deficiencies. The Town is waiting for the Erie County Health Department certificate.

(5) Supervisor Drozd emailed in the paperwork on September 27th, for the balance of the grant money, \$16,000. That reimbursement check is expected to have a quick turn around time and then the entire \$150,000 grant will be complete.

(6) As mentioned in Work Session earlier tonight, the Highway Department is working on the roof of one of the shelters.

(7) It is very late in the year to have any kind of festivities to celebrate the completion of the project; the Town will have a grand opening in the Spring and coordinate it with the baseball season.

b) KB Sewer Plant – There are two items to be discussed this evening.

(1) Supervisor Drozd advised that the bid opening for Phase 1 of the Kissing Bridge Waste Water Treatment Plant decommissioning project was rescheduled to Friday, October 6th at 2 p.m. The Town is hoping to receive some bids for the project.

c) Snowmobile Trail Update – Supervisor Drozd received an email from Senator Gallivan's Office that the legislation authorizing the Commissioner of Parks, Recreation and Historic Preservation, with the concurrence of the NYS DOT, to designate a snowmobile trail within the right-of-way of State Route 219 in the Town of Concord, Erie County, was delivered to Governor Hochul on September 25th. Gov. Hochul has 10 days to sign or veto the bill. Senator Gallivan's Office will keep the Town advised of the status.

d) Hulbert Library Grant Update – This was discussed earlier this evening during Work Session.

e) Concord IDA Dissolution Update – The Town received confirmation from Jacklyn Postulka, Auditor with the NYS Comptroller's Office, that the Concord IDA has been marked dissolved in the PARIS reporting system. The Town will no longer be receiving delinquent letters. Gov. Hochul signed the bill to dissolve the Concord Industrial Development Agency on September 18th. Supervisor Drozd, Town Clerk Schweikert and CEO Roberts had a meeting scheduled for October 2nd to meet with John Capellino, President of the Erie County IDA and Village Administrator Melock and their CEO Baker to discuss how to refer people to the ECIDA. Due to illness, Mr. Capellino had to cancel the meeting and a new date will be arranged. Pamphlets will be given to the Town so that if someone wants to take advantage of the ECIDA the Town can appropriately direct the resident.

ITEM #5 NEW BUSINESS

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

Year 2023 Abstract 10:
General Fund A, abstract 10, \$22,431.87
General Fund B, abstract 10, \$31.20
Library Fund, abstract 10, \$39.50
Fire Protection, abstract 10, NONE
Joint Van, abstract 10, \$251.80
Joint Youth, abstract 10, NONE
Craneridge Lighting, abstract 10, NONE
Craneridge Sewer, abstract 10, \$3,673.48
Highway DA, abstract 10, NONE
Highway DB, abstract 10, \$24,225.79
Kissing Bridge Water, abstract 10, \$15.00
Kissing Bridge Sewer, abstract 10, \$1,673.01
Trevett Rd. Water, abstract 10, NONE
Cattaraugus St. Water, abstract 10, NONE
Trust & Agency, abstract 10, NONE
Capital (HA) C. Sewer, abstract 10, NONE
Capital (HB) Land, abstract 10, NONE
Capital (HD) Catt St, abstract 10, NONE
Capital (HE) Sr. Ctr, abstract 10, NONE
Capital (HF) Hwy Equip, abstract 10, NONE
Capital (HG) Waste Study, abstract 10, NONE
Capital (HI) KB/CR Sewer Project, abstract 10, \$5,312.00

Motion by Council Member Drake, seconded by Council Member Zittel, to approve the bills in Year 2023 Abstract 10 as presented. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Council Member Drake advised the Board that since this meeting was moved up a week, there will be a lot of bills that will be coming in. These will be reviewed to see which ones can wait until November and which ones will need to be prepaid.

b) Miller's Special Use Permit – The Planning Board reviewed this matter at September 5th meeting and the Public Hearing was held earlier tonight. Motion by Council Member Zittel, seconded by Council Member Drake, to approve the Miller Special Use Permit. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

c) Local Law #4 of 2023: Wind Energy Moratorium – The Public Hearing was held earlier tonight.

Council Member Krzemien, moved the adoption of Resolution 13, seconded by Council Member Drake:

Town of Concord
Local Law No. 4 of the Year 2023

A local law imposing a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the any wind energy systems in the Town of Concord.

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

Section 1. Purpose.

The Town of Concord has recently received inquiries for information regarding application, siting, location, development and construction for wind energy systems, or related facilities or structures, on lands within the Town of Concord. The Town Board is aware of the public interest in adopting wind energy as alternative energy as well as concerns and issues regarding such use. The current locals, ordinances and regulations of the Town of Concord, however, do not adequately address many of the concerns and issues which must be considered to fairly address the impacts of such uses upon the Town of Concord.

The Concord Town Board passed Local Law #3 of 2008, entitled "A Local Law Amending Certain Portions of the Zoning Ordinance of the Town of Concord Pertaining to Winde Energy Regulations. The Town of Concord is in the process of updating the Town Code which is eighteen years old; during this moratorium, the Town intends to finish the process of updating the Town Code to provide for the benefit, health, and general welfare of the residents of the Town.

Therefore, the Town Board of the Town of Concord has determined that it is necessary to undertake a comprehensive review of the concerns and issues raised by the siting, location, development and construction of wind energy systems, or related facilities or structures, in a manner which is meaningful and consistent with the Town's comprehensive plan and Town Code.

Accordingly, the Town Board of the Town of Concord, desires to establish a three (3) year moratorium on the application, siting, location, development and construction of wind energy systems, or related facilities or structures within the Town of Concord in order to allow the Town of Concord sufficient and necessary time to study, review, develop and enact appropriate legislation for the Town of Concord, New York.

Section 2. Definitions.

WIND ENERGY CONVERSION SYSTEM (WECS) – Any mechanism designed for the purpose of converting wind energy into electrical energy. A WECS may include one or more wind turbines, towers, associated control or conversion electronics, transformers, and/or other maintenance or control facilities or other component used in the system. A WECS may be either a Utility-scale Wind Energy Conversion System or a small-scale Wind Energy Conversion System.

UTILITY-SCALE WIND ENERGY CONVERSION SYSTEM - A wind energy conversion system that is intended solely to generate electrical power for sale to the power grid.

SMALL-SCALE WIND ENERGY CONVERSION SYSTEM - A wind energy conversion system that is incidental and subordinate to another use on the same parcel and that supplies electrical power solely for on-site use, except that when a parcel on which a small-scale WECS is installed also receives electrical power supplied by a utility company, excess electrical power generated by the small-scale WECS and not presently needed for on-site use may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long

as the main purpose of the installation is not to produce net revenue by sale of such excess electrical power.

Section 3. Moratorium.

A. During the effective period of this Local Law, neither the Town Board, the Planning Board, the Zoning Board of Appeals, nor the Code Enforcement Office shall grant any approval or issue permits that would result in the siting, location, development, construction, establishment, placement, installation, enlargement, or erection of wind energy systems, or related facilities or structures within the Town of Concord, New York.

B. The Town Board of the Town of Concord reserves the right to direct the Town Code Enforcement Officer to revoke or rescind any building permit or certificate issued in violation of this Local Law.

C. No portion of any applications for construction or for approval of a site plan, subdivision, variance, special use permit or any other permit affected by this Local Law shall be considered by any Board or Officer or Agency of the Town of Concord while this moratorium imposed by this Local Law is in effect.

Section 4. Term.

This Local Law shall be in effect for a period of three (3) years from the effective date of this Local Law, unless earlier terminated by another local law, duly adopted.

Section 5. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given in effect without such invalid provision.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing within the Secretary of State of the State of New York.

Voting as follows:

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

The foregoing resolution was thereupon declared duly adopted.

d) Community Development Block Grant – The Public Hearing was held earlier tonight. Motion by Council Member Zittel, seconded by Council Member Snyder, to have Supervisor Drozd reach out to Marie Thornton, Principal Planner at Erie County, to discuss combining Project #1 and Project #2 as discussed in Work Session or to move forward with the CDBG Resolution with the most favorable project. Once Supervisor Drozd has this information Resolution 15 language will be drafted.

Council Member Zittel moved the adoption of Resolution 14, seconded by Council Member Snyder:

WHEREAS, Town Clerk Schweikert had published the Notice of Public Hearing in the Springville Journal on September 21, 2023. Said Notice of Public Hearing was also posted on the Town of Concord Website and on the signboard at the Town Hall on September 18, 2023.

WHEREAS, that the Town Board of the Town of Concord held a public hearing on Thursday, October 5, 2023:

NOW, THEREFORE BE IT

RESOLVED, that at a meeting of the Town Board of the Town of Concord, held on Thursday, October 5, 2023, the Town Board authorized Philip Drozd, Supervisor, to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following project upon approval of the ECCDBG:

1. Concord Senior Center Improvements.
2. The Rural Transit Service Van Program.

Voting as follows:

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

The foregoing resolution was thereupon declared duly adopted.

e) Local Law #5; Override Tax Cap – The Public Hearing was held earlier tonight.

Council Member Drake moved the adoption of Resolution 15, seconded by Council Member Zittel:

Local Law No. 5 of the Year 2023
Town of Concord, County of Erie

A local law to override the tax levy limit established in General Municipal Law §3-c

Section 1. Legislative Intent

It is the intent of this local law to allow the Town of Concord to adopt a budget for the fiscal year commencing January 1, 2023 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Concord, County of Erie, is hereby authorized to adopt a budget for the fiscal year commencing January 1, 2023 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Voting as follows:

Council Member Drake	Aye
Council Member Krzemien	Aye
Council Member Snyder	Nay
Council Member Zittel	Aye
Supervisor Drozd	Aye

The foregoing resolution was thereupon declared duly adopted.

f) Set Public Hearing –2024 Budget – This Public Hearing is required to be held on or before November 9th. Motion by Council Member Drake, seconded by Council Member Zittel, to set the Public Hearing on the Preliminary 2024 Budget for Thursday, November 9th at 6:30 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried. Town Clerk Schweikert will have the notice published in the Springville Journal and post on the signboard at the Town Hall and also the Town’s website.

g) Ambulance Coverage by Erie County – Supervisor Drozd advised that when the Press Release and map of the coverage came out on September 25th, he noticed that the Town of Concord and Town of Sardinia were not included in the Southtowns’ rollout. There was a meeting with Supervisor Drozd, Gregory Gill, Deputy Commissioner of Health and Emergency Medical Services, the Village of Springville and three fire chiefs, and he is happy to report that the Town of Concord is now included. The first ambulance in this program is based at the Colden Fire Company and is fully staffed, in operation from 7 a.m. to 7 p.m. daily. A fly car is also available. The second ambulance is expected around the end of October, beginning of November, and may be going to the North Collins/Eden area. Three more ambulances are on order. The long-term plan is to construct a Southtowns building designed as a base for the ambulance operations and a state-of-the-art EMS training facility. Erie County already has bids going out for this new building; the people are all hired and trained and more will be added as needed.

h) Authorize Supervisor to sign Agreement with Ellicottville for the KB/CR WWTP - Supervisor Drozd advised the Board that this Agreement is to extend the 2023 Contract for the annual amount of \$42,500.00 through May 31, 2024 for the Kissing Bridge WWTP and \$57,500.00 for the Craneridge WWTP through May 31, 2024. The Village of Ellicottville’s fiscal year runs June 1st to May 31st. By May 2024, Phase 1 of the Kissing Bridge WWTP decommissioning project should be complete and the Town will need to negotiate a new Agreement. This is anticipated to be done in February of 2024. Motion by Council Member Zittel, seconded by Council Member Drake, to extend the Intermunicipal Agreement with the Village of Ellicottville for the Kissing Bridge WWTP and the Craneridge WWTP through May 31, 2024 in the amounts specified above. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Motion by Council Member Drake, seconded by Council Member Krzemien, to add (i) Springville Mobile Home Park Renewal for Year 2023 to the Agenda. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

i) Springville Mobile Home Park Renewal for Year 2023 – Council Member/Planning Board Liaison Drake informed the Board that this matter was reviewed by the Planning Board and CEO Roberts at their October 3rd meeting. The owner is showing progress in remediating the problems at the property. CEO Roberts asked the Planning Board to accept the renewal for Year 2023; he will continue to work with the

property owner on the problems and remediation. The Planning Board recommended this renewal to the Town Board for their approval. Motion by Council Member Drake, seconded by Council Member Snyder, to approve the Springville Mobile Home Park renewal for Year 2023. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #6 EXECUTIVE SESSION

Supervisor Drozd advised that an Executive Session will be necessary to discuss a personnel matter. Motion by Council Member Drake, seconded by Council Member Zittel, to go into Executive Session at 7:44 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

Motion by Supervisor Drozd, seconded by Council Member Drake, to come out of Executive Session at 8:25 p.m. Council Members Drake, Zittel, Snyder & Krzemien; Supervisor Drozd, voting aye. Carried.

ITEM #7 COUNCIL MEMBER NOTES

a) Council Member Krzemien advised that the President of NYSERDA, Doreen Harris, will be at the next West Valley Task Force meeting.

b) Council Member Krzemien noted that the Fairview Cemetery clean up day is scheduled for Saturday, October 21st.

c) Council Member Zittel mentioned that the Kissing Bridge Fall Fest is scheduled for October 14th and October 15th.

d) Council Member Zittel advised that the Fairview Cemetery annual meeting will be held on Tuesday, October 10th at 6 p.m. at the East Concord Fire Hall.

e) Supervisor Drozd has been in contact with fire company representatives Lori Ploetz and Wendy Darling regarding applying for a grant for house numbers mounted on sign posts. The Town of Colden is looking into this right now and Supervisor DePasquale will share their information. Supervisor Drozd noted that the Village of Springville does not want any part of this project. Residents in the fire district covered by the Village of Springville may want to get involved in this project.

f) Supervisor Drozd has received contact from NYSEG who would like to see the Town put in a charging station at Community Park. Grant money is still available, but dwindling. Supervisor Drozd will do a little research into this. Council Member Drake noted that the area would need to be plowed during the Winter season. Supervisor Drozd agreed that Hwy Supt Edwards would need to be involved in this process.

ITEM #8 MOTION TO ADJOURN IN MEMORY OF:

Motion by Supervisor Drozd, seconded by Council Member Drake, and passed unanimously, to adjourn the meeting at 8:34 p.m. in memory of:

Mary Ann Jordan
Rose Marie Phillips
Paul E. Bunch
Ted E. Miller, Jr.
John Plunkett



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

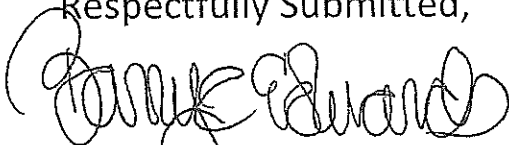
Highway Superintendents Report for the period of September 13, 2023 to October 2, 2023.

With nineteen days in this period the Highway Department

- The men finished hand patching on all Town roads.
- The oil and filters were changed on the new roller.
- Shoulder machine was installed on Tk#18 so shoulder work could be done in Craneridge
- Senior Center and all cemeteries are continually being mowed.
- Oil and filters were changed in zero turn mower.
- Crane Road was broomed and picked up stone with Vac All and returned extra stone back to shop.
- Helped Sardinia Highway Dept. with blacktop.
- Hauled in oversized and 2" gravel to shop for stock.
- Ordered 240 tons of salt to fill salt shed before winter.
- Continue to keep clean shop, office, lunchroom and bathroom.
- Went to Lakeside Sod for red clay for baseball diamond and pallet of clay bricks.
- Continue to mow road shoulders.
- Went to Town Park and lubed park tractor.
- Picked up oil and chip signs in Craneridge and put them back in cold storage.

- Cleaned up trees that were in the ditches on Town roads.
- Cleaned Tk#14.
- Swept the Town Hall parking lot with the Vac All and water.
- The men hand patched 8 ton of black top in Town parking lot and oil and chipped the following day.
- Went to our annual insurance meeting.
- Cleaned up dirt piles at Town Park.
- Cleaned up scrap from shop and took to Preivity's.
- Cleaned and washed Tk#16.
- Checked out Tk#11 and changed light plug on Tk#14.
- Started cutting trees in Craneridge.
- Took one of the 550's to Emerling's Ford for and exhaust problem which keeps throwing an engine light to come on. After checking it out it has some exhaust problems with the Def system. Emerling's service department ran it through Ford warranty and saved the Town \$6,000.00.
- The metal has been picked up from the House of Steel and the men will start changing the roof on the pavilion in the Town Park on Tuesday.

Respectfully Submitted,



Barry A. Edwards,
Highway Superintendent